HENRY MADDEN
California State University, Fresno
LIBRARY
3 0250 00082 7738

F 491 R18 v.4

3 0250 00082 7738

DATE DUE

JAN 17 1995

JUN 1 7 1998

INTERLIBRARY LOANS

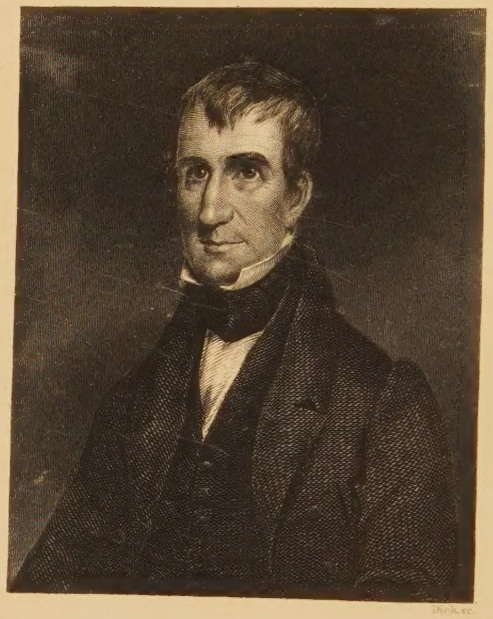
INTERLIBRARY LOANS

Printed in USA

Digitized by the Internet Archive
in 2026

https://archive.org/details/historyofhio0000emil

HISTORY OF OHIO



WILLIAM HENRY HARRISON.

W. H. Harrison

History of Ohio

VOLUME FOUR

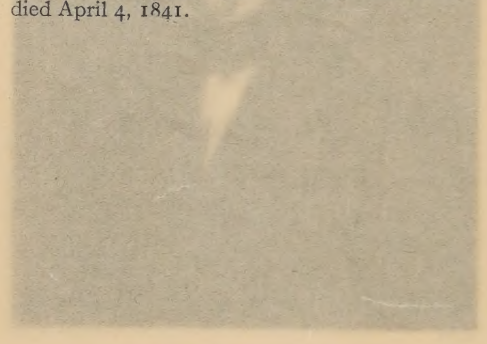
By

DANIEL J. RYAN

THE CENTURY HISTORY COMPANY
NEW YORK
1912

WILLIAM HENRY HARRISON

Born in Berkeley, Charles City county, Virginia, February 9, 1773; educated at Hampton Sidney College, Virginia; entered the army in 1791, and from that time was prominently connected with western events; Secretary of the Northwest Territory, 1798-99, resigning to become delegate in Congress; resigned as delegate on being appointed Governor of Indiana Territory and Superintendent of Indian Affairs; won the battle of Tippecanoe against the Indians, November 7, 1811; in the War of 1812 had command of the northwestern army and fought the decisive battle of the Thames (October 5, 1813), at which Tecumseh was killed and which, in conjunction with Perry's victory, gave the United States full control of the Lakes; was afterward member of Congress and Minister to Colombia; while living in retirement at North Bend, Ohio, he was nominated by the Whigs, 1839, for the presidency; elected, 1840; died April 4, 1841.



History of Ohio

The Rise and Progress of an American State

By
Emilius O. Randall and Daniel J. Ryan

Volume Four
By
DANIEL J. RYAN

THE CENTURY HISTORY COMPANY
NEW YORK
1912

Printed by
John C. Rankin Company, New York
for
The Century History Company

Copyright 1912
By The Century History Company
ALL RIGHTS RESERVED

Publication Office
54 Dey Street, New York, N. Y.
U. S. A.

PREFACE

I HAVE endeavored in this volume to present an impartial and accurate history of the State of Ohio from 1837 to the present time. This period of seventy-five years, during which the State reached the maturity of its strength and progress, has been the most strenuous in the life of its people. It witnessed great political and moral upheavals, the results of powerful popular movements. During this period the State has participated in three wars and contributed in many ways more than its share to our National greatness.

All this while the material side of the State has developed with prodigious strides. In 1837 the total value of its taxable property, real and personal, was slightly over one hundred million dollars; in 1911 this had increased to over six billion, two hundred million dollars, or approximately sixty-two fold. In the meantime the population has more than doubled.

Necessarily a people so potential in their progress as such facts indicate have met all questions presented to them with courage and virility, and settled them with determination and credit. Hence the reader will find the succeeding pages filled with the history of important conflicts over political, social, and moral issues. And whether these questions have related to slavery, the Civil War, temperance, or taxation, Ohio has debated and decided them with earnestness and intelligence. In the treatment of the history of the various domestic issues, it has been my aim to present the historical view only, entirely aside from a personal standpoint.

DANIEL J. RYAN.

CONTENTS

CHAPTER I.

OHIO'S SHARE OF THE SURPLUS REVENUE OF 1837

The Policy of Distribution 3
Act to Regulate Deposits of Public Monies 5
The Supreme Court and the Last Payment 6
Investment of Ohio's Portion 8
The Distribution to the Counties 10
Return of Loans 14
Summaries 15

CHAPTER II.

THE LOG CABIN AND HARD CIDER CAMPAIGN OF 1840

Party Spirit and Political Conditions 19
Nomination of Harrison by the Whigs 22
Opening of the Campaign in Ohio 25
Famous Songs of the Campaign 30
Oratory—The "Buckeye Blacksmith" 34
Celebration of the Siege of Fort Meigs 37
The Remarkable Dayton Meeting 39
Harrison's Death—Corwin's Election as Governor 42

CHAPTER III.

OHIO IN THE MEXICAN WAR

Corwin as Governor 47
His Election to the Senate 48
Party Sentiment Concerning the War 50
Ohio Regiments 52
Independent Military Organizations 58
Fifteenth United States Infantry 60
Ohio Officers in the War 61
General Thomas L. Hamer 62
The Whigs and the War—Senator Corwin 65
Corwin's Subsequent Career 68
His Death 70

CHAPTER IV.

A REVIEW OF THE FORTIES, STATISTICAL AND HISTORICAL

Remarkable Growth of Population in Ohio 75
Enterprise and Industry 78
Coal, Iron, Salt 79

CHAPTER X.

OHIO IN THE CIVIL WAR—Concluded
MORGAN'S RAID, CAPTURE, AND ESCAPE
GOVERNOR BROUGH'S ADMINISTRATION
CONSPIRACIES OF THE "SONS OF LIBERTY"
OHIO'S CONTRIBUTION TO THE WAR

Morgan's Raid into Ohio 241
Pursuit and Capture 246
Sensational Escape from the Penitentiary 249
End of Tod's Administration 252
Brough's Administration 254
The Ohio Troops in the War 255
Social and Economic Effects of the Struggle 257
The "Sons of Liberty" 263
Plot to Release Confederate Prisoners 264
The Lake Erie Scheme 271
Its Frustration 277
Ohio's Patriotic Record 279
Ohio Generals in the War 281
Participation in Its Administrative Conduct 284

CHAPTER XI.

POST BELLUM POLITICS

Ratification of the Thirteenth Amendment 289
State Campaign of 1865 291
General Cox and the Oberlin Letter 295
Election of Cox as Governor 297
Death of Brough—Governor Charles Anderson 298
The Fourteenth Amendment 299
Campaign of 1867 301
First Election of Hayes as Governor 304
The Rescinding Resolution 306
Fifteenth Amendment Ratified—Hayes Reëlected 308
Vallandigham's "New Departure," 1871 310
Nomination and Election of Noyes 312

CHAPTER XII.

THE THIRD CONSTITUTIONAL CONVENTION
POLITICAL HISTORY FOR TEN YEARS

Reasons for Again Revising the Constitution 317
The Convention 319
Discussion of Its Work 323

Defeat of the Proposed Constitution 326
The Liberal Republican Movement 327
Governor William Allen 329
The Women's Temperance Crusade 330
Greenbackism 332
Third Election of Hayes, 1875 334
He is Chosen President 336
Governor Young 338
The Railroad Strikes, 1877 339
Bishop's Election 341
Defeat of General Ewing by Foster 343
President Garfield 345
Foster Reëlected 346
Governor Hoadly 347

CHAPTER XIII.

THE FLOOD OF 1884
THE CINCINNATI RIOTS
THE HOCKING VALLEY STRIKE
DEVELOPMENT OF GAS AND OIL

Ohio River Floods—1883—1884 353
Riots in Cincinnati 357
The Sheriff's Request for Troops 361
Suppression of the Disturbances 363
The Hocking Valley Troubles 364
Discovery of Natural Gas in Findlay 366
The Great Development—The Waste 368
Gas and Petroleum Statistics 370

CHAPTER XIV.

THE ADMINISTRATIONS OF GOVERNORS FORAKER, CAMPBELL, McKINLEY AND BUSHNELL

The Liquor Issue—Campaign of 1885 373
Foraker's First Election 377
Cincinnati Frauds and Legislative Mix-Up 378
The Foraker Administration 382
His Reëlection, 1887 384
The "White Caps" 387
Campaign of 1889 389
The "Ballot Box Forgery" 391
Governor Campbell 394
The Standard Oil Case 398
McKinley-Campbell Campaign of 1891 400

ILLUSTRATIONS

William Henry Harrison ..... Frontispiece
Thomas Corwin ..... Facing page 26
Thomas L. Hamer ..... " " 48
Samuel Shellabarger ..... " " 70
John Johnston ..... " " 84
Seabury Ford ..... " " 96
William Medill ..... " " 106
Salmon P. Chase ..... " " 120
Levi P. Coffin ..... " " 130
Joshua R. Giddings ..... " " 140
William Dennison ..... " " 150
Benjamin F. Wade ..... " " 162
Clement L. Vallandigham ..... " " 172
David Tod ..... " " 182
Edwin M. Stanton ..... " " 194
Ulysses S. Grant ..... " " 210
William T. Sherman ..... " " 222
John Brough ..... " " 234
Philip H. Sheridan ..... " " 244
James B. McPherson ..... " " 256
William S. Rosecrans ..... " " 268
James A. Garfield ..... " " 282
Jacob D. Cox ..... " " 292
Allen G. Thurman ..... " " 302
Edward F. Noyes ..... " " 310
Morrison R. Waite ..... " " 322
William Allen ..... " " 330
Rutherford B. Hayes ..... " " 338
Charles Foster ..... " " 346
George Hoadly ..... " " 358
Bellamy Storer ..... " " 368
Joseph B. Foraker ..... " " 380
James E. Campbell ..... " " 392
William McKinley ..... " " 404
Asa S. Bushnell ..... " " 418
George K. Nash ..... " " 434
Myron T. Herrick ..... " " 452
Judson Harmon ..... " " 462
William H. Taft ..... " " 472
Stanley Matthews ..... " " 484
John Sherman ..... " " 496
George H. Pendleton ..... " " 508
Calvin S. Brice ..... " " 520
John M. Pattison ..... " " 536

Chapter I.

OHIO'S SHARE OF THE SURPLUS REVENUE OF 1837

IN 1836, for the first time in its history, the United States was out of debt and had a large surplus in its Treasury. This was the Golden Age dreamed of, anticipated, and often talked about by the early statesmen of our country. Thomas Jefferson was the first of the presidents to see that the continued increase of tariff receipts would produce more than enough to run the Government. Accordingly, in his second inaugural address he advocated that such a surplus should be divided among the states, to "be applied in time of peace to rivers, canals, roads, arts, manufactures, education and other great objects within each State."

It was not, however, until the administration of Andrew Jackson that the surplus revenue became a really serious question. The tariff imposts, augmented by the proceeds of the sale of the public lands, had piled up a huge fund that became a great temptation to "log-rolling" appropriations and extravagant expenditures. President Jackson in his first annual message recommended a distribution of the surplus "among the several states according to their ratio of representation"; he was also in favor of an amendment to the Constitution if that was necessary to legalize such legislation. He afterwards repented of this position, and although he finally signed the bill which carried out the ideas of his first message, he did so with great reluctance.

The history of the legislation relating to the surplus is a part of the stormy administration of Andrew Jackson, and cannot be detailed here. It is sufficient to say that only after prolonged and able debates

was any conclusion arrived at. On January 27, 1836, Senator Thomas Ewing of Ohio reported from the Committee on Public Lands in favor of distributing the proceeds of the land sales among the states for a definite period, to be used for education and internal improvements. Henry Clay proposed a distribution plan of his own. Calhoun believed distribution unconstitutional, and proposed a joint resolution to amend the Constitution so as to legalize any legislation distributing the surplus. He also presented a bill regulating the deposit of the public money. Through Webster's labors this latter bill was amended by providing for the division of the surplus among the states. When it came over to the House, Webster's distribution feature was stricken out and a clause was inserted in its place making the states the depositaries of the surplus, subject to recall by the Secretary of the Treasury. In this shape it passed. It was to be a loan and not a gift.

Senator Benton, in his "Thirty Years' View" (Vol. I, p. 652), thus describes this legislation: "It is in name a deposit; in form a loan; in essence and design a distribution. It is known to be so; and all this verbiage about a deposit is nothing but the device and contrivance of those who have been for years endeavoring to distribute the revenue, sometimes by the land bills, sometimes by direct legislation, sometimes by proposed amendments to the Constitution. It has no feature, no attribute, no characteristic, no quality of a deposit." Nevertheless, the bill passed Congress by large majorities—38 to 6 in the Senate, 155 to 38 in the House. Benton, in his work referred to (Vol. II, p. 657), says

that Jackson signed the bill "with a repugnance of feeling, and a recoil of judgment, which it required great efforts of friends to overcome; and with a regret of it afterwards which he often and publicly expressed."

The law was entitled "An Act to Regulate the Deposits of the Public Monies," and it was approved by the President June 23, 1836. Section 13 of the act, the same inserted by the House, as a remarkable instance of financial legislation, is given in full: "That the money which shall be in the Treasury of the United States on the first day of January, 1837, reserving the sum of five million dollars, shall be deposited with the several states, in proportion to their respective representation in the Senate and House of Representatives of the Congress of the United States; and the Secretary of the Treasury shall deliver the same to such persons as the several states may authorize to receive it, on receiving certificates of deposit signed by the competent authorities of each State, each for such amount and in such form as the Secretary of the Treasury may prescribe, which shall set forth and express the obligation of the State to pay the amount thereof to the United States, or their assigns; and which said certificates it shall be competent for the Secretary of the Treasury, in the name and in behalf of the United States, to sell and assign, whenever it shall be necessary, for want of other money in the Treasury, to meet appropriations made by Congress, all sales and assignments, however, to be ratable, and in just and equal proportions, among all the states, according to the amounts received by them respectively; and all such certificates of deposit shall be subject to

and bear an interest of five per cent. per annum, payable half-yearly, from the time of such sale and assignment, and shall be redeemable at the pleasure of the states issuing the same."

According to the report of the Secretary of the Treasury for 1838 the amount deposited with the states was $28,101,644.97. The law provided that payments of the surplus should be made on the first days of January, April, July and October, 1837. Three installments, being the amount referred to, were delivered to the states, but the October deposit was never made. A severe financial panic followed, due largely to this legislation, and Congress, at the suggestion of President Van Buren, postponed indefinitely the payment of the fourth installment.

At different times some of the states, when they became money hungry, would demand this last payment, only to be refused by the Secretary of the Treasury. The right of the states to this last installment was finally determined in 1884. The Supreme Court of the United States, in *Ex parte* Virginia (111 U. S. Reports, pages 43-48), refused to grant a writ of mandamus applied for by the State of Virginia to compel the Secretary of the Treasury to pay from the surplus revenue of the Treasury the fourth installment. Justice Harlan, speaking for the Court in deciding the case, said: "No case is made for a mandamus. If it was the duty of the Secretary of the Treasury, in execution of the act of 1836, to make the fourth installment of deposit on the day fixed in that act, whatever may have been, on that day, the wants of the public treasury, his failure to do so was legalized by

the act of October 2, 1837, postponing that deposit until January 1, 1839. Of the latter act the State could not complain, because that of January 23, 1836, created no debt or legal obligation upon the part of the Government, but only made the states the depositaries, temporarily, of a portion of the public revenue not needed, as was then supposed, for the purposes of the United States." Concluding, the Court said: "We are of the opinion that the Secretary of the Treasury has no authority under existing legislation, and without further direction from Congress, to use the surplus revenues in the Treasury, from whatever source derived, or whenever, since January 1, 1839, it may have accrued, for the purpose of making the fourth installment of deposit required by the act of 1836."

The State of Ohio, through its Governor and Legislature, at the earliest time took steps relative to its share of the deposit. Governor Lucas, in his last annual message to the General Assembly, December 6, 1836, said: "This sum being providentially placed under our control, through the operation of our revenue laws, after the entire extinguishment of the National debt, is truly a cause of gratulation, and if judiciously applied within the State to purposes of a paramount character, cannot fail to extend its benefits to the latest posterity. This money is emphatically the property of the people, in which the poor and the rich have an equal right, and in its application special regard should be had to an equal distribution of the benefits to be derived therefrom." The Governor then proceeded to recommend "in the most solemn

manner" the propriety of constituting Ohio's share of the surplus a common school fund, to be irrevocable, and the State to become the trustee with authority to invest the principal either in the extinguishment of the canal debt or in such stocks within the State as might be deemed safe and valuable. It will be seen that these suggestions of the Governor were substantially carried out by subsequent legislation.

The act providing for the distribution and investment of Ohio's proportion of the surplus revenue was passed March 28, 1837 (Ohio Laws 35, pages 97-103), and it is a model of legislation concerning the subject of which it treats. It ordered that the money received from the United States should be deposited with the several organized counties of the State and, following the lines of Governor Lucas's message, that the net income should be applied to the support and encouragement of common schools within the State. This fund in each county was to be under the charge and control of the county commissioners, who were constituted a board of "county fund commissioners" for that purpose, and were to take a special oath and give a special bond to the State equal to one-half of the amount assigned to their county, that they would faithfully take charge of such fund.

The law made it the duty of the Auditor of State, when he received satisfactory evidence that a county had complied with the provisions of the act, to issue a warrant on the State Treasurer for the amount of the funds apportioned to the county in proportion to the number of white male inhabitants above the

age of twenty-one years at the last enumeration. The county fund commissioners were given power to loan this fund to any company then incorporated, or afterwards incorporated, for the construction of a canal, railroad, turnpike road or other works of internal improvement in the county or in connection therewith, provided that security in double the amount loaned should be given for the repayment of the loan. They were also authorized to make loans to the State or to any bank in the county or State, or they might loan the county a sum not exceeding ten thousand dollars for the erection of county buildings. If a loan was made to the State, the county was to receive six per cent. per annum. In case the fund was not invested in this way, it could be loaned to individuals at a rate of interest not exceeding seven or less than six per cent. per annum. But in making these individual loans the county fund commissioners were required to take from the borrower a bond secured by a mortgage on unencumbered real estate situated in the county double in value to the sum loaned, or other adequate security. All obligations and securities were to be taken in the name of the State of Ohio.

The act further provided that each county receiving any part of this fund should be held bound to the State for the amount received and not repaid.

The State canal debt at this time was the greatest burden the people were carrying, and it gave them much concern. We find, therefore, that with this in view it was provided that all the loans made were to fall due on or before January 1, 1850. At this time the fund,

if collected, was to be subject to the order of the Treasurer of State for the payment of the canal debt, if the Legislature saw fit to apply it to that purpose. The income of the loans was appropriated to the common schools and was to be apportioned among the townships or school districts in proportion to the number of children between four and twenty-one years of age. If the United States should call for any part of its deposit the Treasurer of State was to notify each county of the proportionate amount it was required to refund. It was finally provided that in the year 1839, and every enumeration thereafter, the Auditor of State was to reapportion the fund among the counties of the State proportionably to the number of white male inhabitants above the age of twenty-one years by the latest enumeration. Under the first and only reapportionment a redistribution was made in 1840.

Under this plan Ohio proceeded to distribute the money of the Government. This amounted to $2,007,-260.34. For that day and for a young State it was a vast sum. Many of the states, yielding to the temptation which such a great fund naturally created, dissipated it by paying current expenses, squandered it in banking, or invested it in unworthy and valueless stocks. The manner in which Ohio treated this trust reflects credit upon the business management of her State officials. The character of its investment is a tribute to the integrity and sagacity of the men who had this work in charge.

The statement which follows, taken from the Annual Report of the Auditor of State for 1841, shows how

much each county received, first, under the act of March 28, 1837, and second, under the reapportionment provided for by that act. The counties in the first column not charged with any amount, either were not organized or did not comply with the conditions required to share in the funds.

Counties	Amount received by each county under act of March, 1837.	Amount held by each county subsequent to reapportionment of 1840.
Adams	$19,682.32	$19,682.32
Allen	8,422.03	10,707.44
Ashtabula	33,797.67	33,384.01
Athens	17,728.41	30,322.78
Belmont	48,030.94	40,471.74
Brown	25,687.24	25,687.24
Butler	43,095.61	40,251.12
Carroll	26,689.47	26,642.11
Champaign	25,266.13	24,296.83
Clark	27,093.72	25,351.72
Clermont	35,667.37	30,922.61
Clinton	19,926.55	19,926.55
Columbiana	57,438.37	52,220.27
Coshocton	24,306.03	27,730.38
Crawford	13,332.09	15,974.96
Cuyahoga	49,866.94	39,044.54
Darke	14,073.24	15,974.96
Delaware	25,678.81	24,545.04
Erie	.....	15,492.35
Fairfield	41,470.17	43,346.82
Fayette	14,485.92	14,485.92
Franklin	34,623.03	36,838.24
Gallia	14,173.79	14,173.79
Geauga	44,384.19	28,626.36
Greene	28,028.58	28,028.58
Guernsey	35,119.93	32,977.24
Hamilton	89,282.14	101,165.56
Hancock	8,523.10	11,707.17
Hardin	4,211.01	4,950.38

Counties	Amount received by each county under act of March, 1837.	Amount held by each county subsequent to reapportionment of 1840.
Harrison	$31,144.72	$26,723.76
Henry	4,211.01	4,211.01
Highland	.....	28,516.38
Hocking	8,422.03	8,422.03
Holmes	20,768.76	18,960.35
Jackson	.....	11,914.00
Jefferson	42,135.51	35,748.89
Knox	30,572.02	35,100.79
Lake	.....	18,144.83
Licking	54,970.71	56,812.08
Logan	17,475.75	18,525.99
Lorain	20,684.55	25,489.62
Lucas	8,422.03	8,422.03
Madison	14,115.34	11,900.21
Marion	20,760.34	18,436.37
Medina	29,039.22	24,076.21
Meigs	12,750.97	14,609.81
Mercer	.....	5,000.00
Miami	32,669.11	32,669.11
Monroe	20,970.90	20,970.90
Montgomery	45,756.99	43,422.66
Morgan	23,876.50	24,924.25
Muskingum	53,193.66	53,193.66
Ottawa	.....	2,875.00
Paulding	4,207.00	4,207.00
Perry	25,788.30	25,788.30
Pickaway	27,801.18	26,882.33
Pike	9,289.51	9,659.44
Portage	53,833.74	34,859.48
Preble	30,445.69	26,241.14
Putnam	4,211.01	6,474.10
Richland	53,252.61	54,874.71
Ross	39,280.42	39,280.42
Sandusky	15,959.77	12,879,17
Scioto	11,580.00	15,768.13
Seneca	23,817.55	21,607.91
Shelby	12,237.22	17,222.90
Stark	53,421.06	48,028.31
Summit	.....	29,330.02

Counties	Amount received by each county under act of March, 1837.	Amount held by each county subsequent to reapportionment of 1840.
Trumbull.....	$57,438.37	$51,454.95
Tuscarawas.....	29,022.37	30,088.37
Union.....	8,733.66	9,383.65
Warren.....	36,898.05	32,949.62
Washington.....	21,787.83	26,248.02
Wayne.....	43,499.88	43,499.88
Williams.....	4,214.02	4,214.02
Wood.....	10,872.85	10,872.85
Total.....	$1,945,575.36	$1,989,482.04

Pursuing further this legislative history, we find that the State, by an act passed March 13, 1843 (Ohio Laws, 41, page 80), authorized the Commissioners of the Canal Fund to borrow not exceeding $1,500,000 to pay the amounts due the contractors of the public works, and for this purpose to issue bonds or certificates bearing a rate of interest not exceeding seven per cent. For the redemption of these bonds, which were payable January 1, 1852, there was set apart and specifically pledged and appropriated the surplus revenue received from the United States, and from the first day of January, 1850, that fund was to be held for such redemption.

Preparing to draw in the money loaned in the counties, the county fund commissioners were authorized to receive these bonds in payment from those who had borrowed the surplus fund, and no new loans were to be made.

The common school fund was protected and provided for in this law by requiring that upon all payments into the State Treasury of the principal of the surplus

revenue prior to 1850, the commissioners of the canal fund should set apart a fund upon which the Treasurer of State should annually pay interest at the rate of five per cent. to the common school fund, and one per cent. to each county on the amount paid in by such county.

By the law of February 27, 1846 (Ohio Laws 44, page 68), the Auditor and Treasurer of each county supplanted the county fund commissioners in the collection of the surplus revenue loans.

The counties commenced paying their proportion into the State Treasury in 1846. Up to November 15, 1849, $839,012.68 had been paid in, and by November 15, 1855, about $1,700,000 had been returned. In 1862, all but twenty-five counties had paid their loans to the State. In order to hasten payment these counties were authorized to levy a tax to raise what was unpaid. By an act passed April 7, 1869 (Ohio Laws, 66, page 69), the auditors and treasurers of the counties which had paid or would pay their portions, were authorized to collect by suit any amounts that remained unpaid to these counties by the borrowers, and the county commissioners were authorized to retain what was collected and to place it to the credit of any fund they might think best for the county.

In 1871, all of the counties had returned their proportion except Highland, but in 1875, after making yearly payments, this county paid its entire account into the State Treasury. Thus the financial faith was kept, and the full sum of the surplus revenue fund which was loaned to the counties was returned with interest to the State. It was a striking instance of civic integrity as well as of prudent financial management.

The last act of this narrative of legislation related to furnishing certain relief to individual borrowers and their successors in title. When the county fund commissioners made loans to individuals, and when the loan was paid into the county treasury, no one had authority to cancel the mortgage securing these loans. These mortgages remained uncancelled until the act of March 30, 1896 (Ohio Laws 92, page 101) was passed; by this act the Governor was authorized and directed to execute and deliver a release of such mortgages.

Two summaries will conclude the financial history of this subject. The first is a statement from the books of the Auditor of State, showing the original disposition of the surplus revenue, as follows:

Total amount received from the United States		$2,007,260.34
Amount originally received by counties	$1,945,575.36	
Loaned to canal fund commissioners	61,683.02	
Balance in Treasury undistributed	1.96	
Total		$2,007,260.34

The second summary, from the same source, shows the appropriations made by the State up to and including 1850 out of the fund at different times, and for the following purposes:

Redemption of turnpike bonds	$337,369.85
Redemption or purchase of State bonds (7 per cent. stock)	650,763.87
Payment of faith and credit bonds, to be refunded out of sinking fund	92,742.00
Total amount of interest received by the State	$1,423,216.37

Of this interest $1,245,891.79 was paid to the common school fund and a small portion to the counties. The balance, $177,324.58, was paid into the sinking fund.

To sum up the use that Ohio made of the surplus, it can be said that the principal was first loaned to the counties and when returned to the State that it was afterwards gradually used to pay the debts contracted for internal improvements. All this time the interest was used for the maintenance of the school system.

Chapter II.

THE LOG CABIN AND HARD CIDER CAMPAIGN OF 1840

THE political campaigns in Ohio at certain periods form not only an instructive historical lesson, but also an interesting psychological study. For twenty years after the State was organized Ohio was a part of that untroubled political sea dominated by the Democratic-Republican party, which, after the election of Jefferson, spread unopposed over the Western country. For Ohio it was the political era of "good feeling," when party spirit was unnecessary and unknown, and little feeling was aroused outside of local contests in which personality and local measures alone disturbed the monotony. In 1820 the Federalist party had, indeed, become so moribund nationally that Monroe was chosen President for a second term by but one dissenting electoral vote.

Though there was a lack of organization, there was plenty of spirit and vituperation expended over party politics and personalities, due to the disappointed ambitions of some of the most distinguished leaders in the dominant party. These dissatisfied elements readily took form in determined opposition. This opposition in the presidential campaign of 1824 crystallized about the prominent leaders of the Democratic-Republican party. In 1824 the party caucus refused to meet in the usual way for the selection of a presidential candidate. So the four great leaders, Jackson, Adams, Clay and Crawford were each announced as candidates by their friends. No others entered the field. In the electoral college Jackson received the highest vote; then Adams; then Crawford, and finally Clay the lowest, but none received the necessary majority, so the election was thrown into the House of Represent-

atives. Here Clay, finding his election impossible, threw his strength to Adams and secured his election, whereupon Clay was made Secretary of State. This combination was cynically alluded to as "the bargain" by the Jackson faction, and the claim, whether true or not, proved a potent factor in the election of Jackson in 1828. The Clay following, however, grew apace and in the course of the next ten years crystallized into the Whig party, which after Jackson's second term became a dangerous rival to the Democracy.

In Ohio from the start the Clay following was very strong, and in the presidential election of 1824 he received a slight plurality of the popular vote of this State. In the elections of 1828 and 1832 Ohio gave Jackson a majority. The State at this time displayed that political independence which has since become characteristic, and in 1836 elected Joseph Vance, a Whig, Governor, and gave William Henry Harrison, the Whig candidate for President, a respectable majority over Van Buren, Democrat. Ohio, indeed, never yielded completely to the masterful organization that Jackson had introduced into his party, but remained essentially Whig until that party's vitality began to wane, because it became indifferent to the great principles of liberty and anti-slavery, which, as events demonstrated, lay at the foundation of Ohio's character. The spirit of Calhoun, the Nullifier, and that of Clay, the Compromiser, drove the Whig party at last into an apathy towards slavery and its extension that made it repugnant to the conscience of Ohio, and ultimately brought that party to its destruction.

In the height of its power, however, Ohio furnished the Whig party with a presidential candidate, with whom it registered a national victory. In the election of William Henry Harrison, in 1840, Ohio cast 148,157 Whig votes, a very considerable majority. The decided anti-slavery views of Harrison, so far as Ohio was concerned, drew over 20,000 votes from the Democratic party.

The nomination for the second time of General Harrison for the presidency was the result of the condition and temper of the times, rather than a consummation of a logical and thoughtful movement. Martin Van Buren, as General Jackson's successor, inherited all the weakness of the latter's administration, with none of its personal and patriotic strength. So that when Van Buren reached the end of his term he headed an administration that rivalled Tyler's and Buchanan's in weakness and inefficiency. Corruption was rampant, and the prostitution of public office to political ends was shameless. Defalcation in high places was common, and Clay cried out, "When before were sixty-three out of sixty-seven receivers of public money defaulters?"

To the political demoralization may be added the disastrous results of the panic of 1837, from the violent and sudden convulsions of which the people were still suffering. Trade was prostrate, industry paralyzed, money scarce and idleness reigned supreme. It was this condition that the people were seeking to remedy. "The time has come," said Daniel Webster, "when the cry is 'change.' Every breeze says 'change.' Every interest of the country demands it." "This

s no time to argue," said Henry Clay. "The time for discussion has passed, the Nation has already pronounced its sentence."

The Whig National Convention met at Harrisburg, Pennsylvania, December 4, 1839. Three names were presented for the presidential nomination: Henry Clay of Kentucky, General W. H. Harrison of Ohio, and General Winfield Scott of New York. The Convention on December 6 expressed its choice by the following vote: Scott 16, Clay 90 and Harrison 148. On the following day General Harrison was unanimously declared the nominee for President and John Tyler of Virginia the nominee for Vice-President.

At this time the Whig candidate for President was sixty-seven years of age, and was quietly living on a little farm at North Bend, Ohio, a few miles below Cincinnati. He was occupying the humble public office of the Clerk of the Court of Common Pleas of Hamilton County, from which he received annually about fifteen hundred dollars. This had been his sole support since 1834. What little fortune he had acquired had been lost in security debts and by his generous treatment of others. His life had been spent in the service of his country, and at no period had he the time or inclination to consecrate himself to money-making. After the War of 1812 his neighbors of the Cincinnati district sent him to Congress; after serving a term he declined further nomination, preferring to go to the State Senate, which he did in 1819. In 1824 he was elected to the United States Senate, from which he resigned in 1828 to accept the position of Minister to Colombia tendered him by President John Quincy

Adams. He was recalled at the beginning of President Jackson's administration and returned to his farm at North Bend.

From this time to his nomination, in addition to his official duties as clerk of the court, he acted as president of the Hamilton County Agricultural Society. His life was that of a modest country gentleman, and what leisure time he had he devoted to historical study. His "Discourse on the Aborigines of the Valley of the Ohio" (Cincinnati, 1838) is regarded to-day as the work of a profound student and scholar, and ranks as one of the most authoritative discussions on the American Indian.

Notwithstanding his comparative retirement, he had always occupied in the eyes of his countrymen a conspicuous place. They viewed him as the great historic character of the West. And while they never placed him beside Webster, Clay, Calhoun or Benton in statesmanship, they gave him a loyal admiration peculiarly his own. To the "plain people" he was the typical American citizen. His simplicity charmed them and his integrity won their confidence. They knew his life had afforded the most alluring opportunities for accumulating wealth during his long government of Indiana and his superintendence of Indian affairs, but they knew too that his scrupulous integrity had been proof against all these golden temptations. When, therefore, he retired, he did so without the riches or spoils of office, to repose in the honor and confidence of his fellow citizens.

His life became one of the romances of the West, and the literature growing out of it was in many a

household of the land. No character of his time was more widely read about or more favorably known among Americans. "A Historical Narrative of the Civil and Military Services of Major General William Henry Harrison," by Moses Dawson (Cincinnati, 1834), is the most extensive history of the man and his times. This was written while General Harrison was in private life and had a wide circulation in its day. Other biographies were written by James Hall (Philadelphia, 1836), by Richard Hildreth (Boston, 1839), and by numerous other authors, some of whom wrote in German and Welsh. So that it can be seen that the farmer of North Bend, even if not in the first rank of statesmen, was prominent as a great American.

Nevertheless, when Harrison's nomination was announced, it was received by the Van Buren administration, its orators and organs, with one loud guffaw. The party that had selected the farmer of North Bend in preference to Henry Clay or Daniel Webster, its two greatest characters, had certainly lost its senses. Its candidate's poverty was sneered at, and his abilities and qualifications ridiculed. In *The Baltimore American* appeared these words, intended to be of crushing disparagement: "Give him a barrel of hard cider and settle a pension of two thousand a year upon him, and, our word for it, he will sit the remainder of his days content in a log cabin."

This sneer, which was fated to become historical, was seized by the Whigs as their battle cry against the opposition. It was first adopted in the city of Harrisburg, Pennsylvania, and on January 20, 1840, a transparency with a log cabin painted upon it was

carried through the streets of that place. It spread like wildfire. The log cabin and hard cider became the emblems of the Whig party. In song and display they were constantly kept before the people. Log cabins were built in every village and carried in every Whig procession. Thus originated the effort to ridicule General Harrison on account of his plain method of living, and thus were the words of contempt turned into a campaign shibboleth, which swept from power Van Buren and his party.

The campaign in Ohio opened in the dead of winter at Columbus, where, on February 21, twenty-five thousand people, after traveling through snow, rain and mud, assembled to ratify the nomination. The meeting lasted two days, and on the 22d a procession, composed of delegations from every county in the State, marched in a drenching rain with a spirit of enthusiasm created by devotion to their candidate and hundreds of barrels of hard cider. Some of these delegations had started from their homes a week before. Cuyahoga county and the Western Reserve were in the parade with a full sized brig on wheels completely rigged and manned, with colors flying, and Harrison's portrait at the masthead, with one hand holding a plow and his hat in the other, and beneath was the legend, "The Farmer of North Bend." From Toledo and the northwest came a delegation with a model of Fort Meigs, mounted with brass cannon, and drawn by six horses. From Miami county was a delegation led by Lewis Bowyer, over eighty years of age, riding on a white horse, with a banner inscribed, "The Last of the Life Guards of General Washington." Following was another white

horse bearing a standard fastened to the saddle with the inscription, "The Saddle on which the Illustrious Father of his Country Rode when Leading his Countrymen to Battle." After this came a number of Revolutionary soldiers.

Ross, Pike, Jackson and Scioto counties sent a thousand men by canal boats, horseback and on foot. The National Road had been crowded for days with cheering pilgrims from Madison, Clark, Greene, Montgomery and Preble on the west, and from Licking, Muskingum, Guernsey, Belmont and Jefferson on the east. The "Mad River Trappers" were there with a real log cabin, with the raccoon skins hanging upon its sides, and upon the door was written "Hard Cider." The cabin was filled with men in hunting shirts, eating corn bread and singing the songs of the hour. And the crowd cheered lustily as they sang:

"The times are bad and want curing,
They are getting past all enduring,
So let's turn out Martin Van Buren,
And put in Old Tippecanoe."

The formal convention of ratification assembled in the open and inclement air at the corner of High and Broad streets. It was presided over by General Reasin Beall of Wayne county one of General Anthony Wayne's companions in the Indian wars. Every congressional district in the State was represented by a vice-president. All day long the convention listened to orators advocating Harrison's election; among these were Thomas Ewing of Fairfield and Richard Douglas of Ross. The whole spirit and temper of the day was that of the wildest enthusiasm;

THOMAS CORWIN

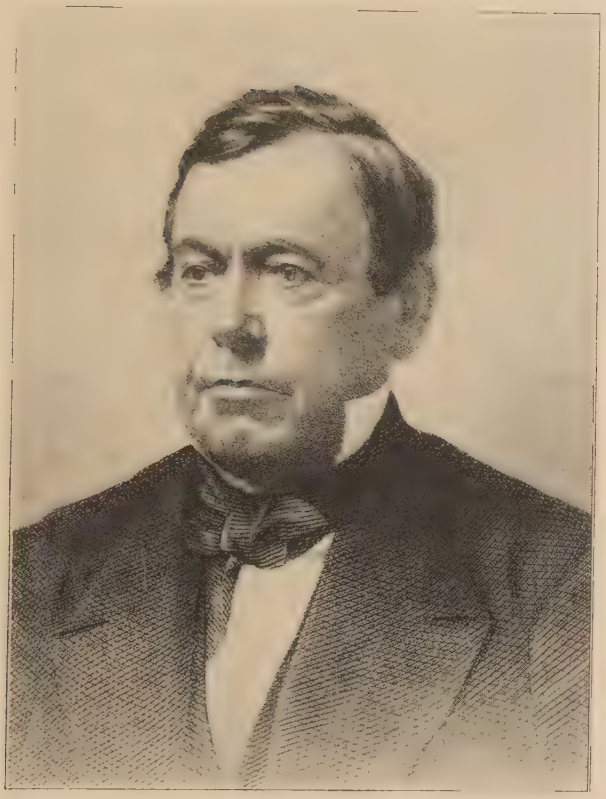
Born in Bourbon county, Kentucky, July 29, 1794; served as a wagon-boy in the War of 1812; elected to the Ohio Legislature in 1822 and again in 1829; member of Congress, 1831-41; Governor, 1841-43; became United States Senator, 1845; Secretary of the Treasury under President Fillmore, 1850-52; again member of Congress, 1859-61; Minister to Mexico from March, 1861, to May, 1864; died in Washington, D. C., December 18, 1865.

[illegible] fastened to the saddle with [illegible]

[illegible] Madison, Clark, Greene, Montgomery [illegible] and Jefferson on the east. The [illegible] "Trappers" were there with a real log [illegible] raccoon skins hanging upon its sides, [illegible] was written "Hard Cider." The [illegible] with men in hunting shirts, eating [illegible] singing the songs of the hour. And [illegible] lustily as they sang:

> "[illegible] are bad and want curing,
> [illegible] are getting past all enduring,
> [illegible] out Martin Van Buren,
> [illegible] in Old Tippecanoe."

[illegible] ention of ratification assembled [illegible] air at the corner of High [illegible] It was presided over by General [illegible] Wayne county one of General [illegible] companions in the Indian wars [illegible] nal district in the State was repre- [illegible] -president. All day long the conven [illegible] ators advocating Harrison's election [illegible] Thomas Ewing of Fairfield and [illegible] whole spirit and tem- [illegible] was that of the wildest enthusiasm



although part of the time during the meeting the rain came down in torrents, it did not dampen the ardor of the assembled multitudes. On the second day of the convention Thomas Corwin of Warren was unanimously nominated for Governor, and Harrison electors were selected.

The platform, which was framed by John C. Wright of Hamilton county, Alfred Kelley of Franklin county, and Hiram Griswold of Stark county, was a bitter arraignment of the Democracy, or, as they expressed it, "the British party in power," and the corruption and profligacy of its officeholders. They declared in favor of a change of administration and of governmental policy. They were opposed to one man power, and in favor of the people ruling. They were for protecting the mechanical and manufacturing and laboring interest of America, and the poor people, wherever they might be in the country. General Harrison, the log cabin candidate, was the representative of the hardy yeomanry, and they would rally around his standard. They declared for him as the representative of the one-term principle, because no one man should be elected President of the United States for two terms in succession, and Martin Van Buren least of all.

General William S. Murphy of Ross county offered a resolution, which was unanimously adopted, recommending to the Whig young men of Ohio, Kentucky, Indiana, Illinois, Michigan, Western New York, Pennsylvania and Virginia to celebrate the next anniversary of the raising of the siege of Fort Meigs in June, 1813, on the ground occupied by the fort. Later this resolution was carried out to the letter in the form of one of the greatest meetings of the year.

The campaign thus opened at Columbus in February grew in strength and excitement as the spring and summer progressed. The people of Ohio engaged in the most remarkable contest in their history. The fact that their candidate was typical of themselves had much to do with the loyal support they gave him. But beyond and more powerful than this was the natural revolt against power long exercised. It was a protest of the people against the officeholders. It was a "class" campaign in which all the virtues and prejudices of the poor voter were invoked against the aristocratic party in power.

One of the leading campaign documents was a speech by Hon. Charles Ogle, delivered in the House of Representatives April 16, 1840, entitled "The Royal Splendor of the President's Palace"; this was described by him "as splendid as that of the Cæsars, and as richly adorned as the proudest Asiatic mansion." He told of the White House gardens, with their rare plants from the Royal Gardens of England, of its gilded chairs that cost six hundred dollars a set. He pictured the aristocratic President that slept in a French bedstead in a chamber laid with a royal wilton carpet, and who ate from silver plates with forks of gold, and supped soup with gold spoons from silver tureens. Van Buren, living in this princely style, was compared with farmer Harrison in his simple life. In the country stores, on the roadside and by the candle light in the cabin this was read by the hard working farmers of Ohio, Indiana, Illinois and Michigan, and it is easily understood how frenzy crept into the campaign. So they sang their sentiments thus:

"Let Van from his coolers of silver drink wine,
And lounge on his cushioned settee;
Our man on his Buckeye bench can recline
Content with hard cider is he!
Then a shout for each freeman, a shout for each State,
To the plain, honest husbandman true,
And this be our motto—the motto of Fate,
Hurrah! for old Tippecanoe."

As the campaign waxed hot it developed a condition of political hyperbolism in the Whigs. Everything was exaggerated. In Ohio this reached its highest and most intense point. To use the language of the press, "the State was aflame." The hysteria of the campaign forbade anything like calm and deliberate discussion of party principles or policies. The stories that the President lived like a king, and that the Democrats had stolen all the public moneys, were the nearest approach to reasons for Harrison's election. Of course it was immaterial to the excited crowds that the President did not live like a king, that the Democrats did not steal all the public funds, that General Harrison did not live in a log cabin and that he was not a devotee of hard cider. Nevertheless the log cabin and hard cider myth was the most powerful factor in the campaign, and it so strongly seized the American people that it became a national mental aberration. It formed the basis for a political literature that is a veritable curiosity to-day. Circulating by thousands were newspapers named, *The Log Cabin Farmer*, *The Log Cabin Rifle*, *The Log Cabin Advocate*, and in this campaign Horace Greeley's first editorial adventure appeared, *The Log Cabin*. Its circulation

extended throughout the country and reached nearly one hundred thousand copies, which for that day was a phenomenal issue.

The hard cider feature of the campaign resulted in serious discouraging effects. While it is true that it was a wonderful promoter of enthusiasm, its general, and too often intemperate, use produced conditions that did not die with the canvass. This was especially true among the young men. The grave and sober elements of the Whigs viewed with concern the indulgences under the guise of politics. Reverend Leonard Bacon, the eminent New England divine, was alarmed at the prospect. "There is," said he, "another reason why the temperance cause is retrograding. Within three or four months intemperance has become the badge of a political party. The hard money humbug was bad enough; but the hard cider humbug will prove more disastrous to the country. More than ten thousand men will be made drunkards in one year by the hard cider enthusiasm." So widespread and deleterious were proving these general carousals, that a remedy was sought in the celebrated Washingtonian temperance movement, organized in Baltimore in the midst of the hilarious campaign. It spread throughout the country, and thousands flocked to its standard. This agitation did much to check the excesses of the time. Still, more than one writer testifies that to the hard cider politics of 1840 can be charged the intemperance of many a man in after years.

Far more potent than the log cabin and hard cider shibboleth were the songs of the campaign. If ever a

man was sung into office, it was William Henry Harrison. The ecstatic condition of the popular mind was quick to respond to rhythm. It is a singular psychological fact that crowds are more responsive to music than the average unit of the crowd. In every cabin, upon every by-way, in village and town, Whig gatherings were singing the songs of Harrison. Fletcher of Saltoun, a seventeenth century Scottish writer, said, "If a man were permitted to make all the ballads, he need not care who should make the laws of a nation." Happy, indeed, is the party with a candidate about whose life ballads can be sung. Platforms and speeches are idle chaff compared to the songs that recite heroic deeds to a nation of hero worshippers.

The two most famous songs of the campaign were by Ohio writers. These were "The Buckeye Cabin Song," and "Tippecanoe and Tyler Too." The first was written by Otway Curry, of Marysville, Union county, and possessed real poetic sentiment. The author was a true literary genius and contributed much to the poetic literature of that period. He was one of the founders and editors of *The Hesperian*, which as a magazine of Ohio has not been equalled since his day. It was but natural when the Union county boys attended the great Whig convention at Columbus with a cabin made of buckeye logs, that Otway Curry should be asked to write them a song. This was his work, and it was sung to the tune of "Highland Laddie." It is the only song of the campaign that may be said to have lived from 1840 and that is worth reproducing to-day:

"Oh, where, tell me where, was your Buckeye cabin made?
Oh, where, tell me where, was your Buckeye cabin made?
'Twas built among the merry boys that wield the plow and spade,
Where the log cabin stands, in the bonnie Buckeye shade.

Oh, what, tell me what, is to be your cabin's fate?
Oh, what, tell me what, is to be your cabin's fate?
We'll wheel it to the capital, and place it there elate,
For a token and a sign of the Bonnie Buckeye State!

Oh, why, tell me why, does your Buckeye cabin go?
Oh, why, tell me why, does your Buckeye cabin go?
It goes against the spoilsmen, for well its builders know
It was Harrison that fought for the cabins long ago.

Oh, what, tell me what, then, will little Martin do?
Oh, what, tell me what, then, will little Martin do?
He'll 'follow in the footsteps' of Price and Swartout too,
While the log cabin rings again with old Tippecanoe.

Oh, who fell before him in battle, tell me who?
Oh, who fell before him in battle, tell me who?
He drove the savage legions, and British armies too
At the Rapids, and the Thames, and old Tippecanoe!

By whom, tell me whom, will the battle next be won?
By whom, tell me whom, will the battle next be won?
The spoilsmen and leg treasurers will soon begin to run!
And the 'Log Cabin Candidate' will march to Washington!"

This was sung with great effect at every Whig meeting in Ohio. Its refrain and sentiment were quieter than the general class of campaign songs, and when well sung created great enthusiasm.

The rollicking song of the campaign, however, was "Tippecanoe and Tyler Too." It had a swing in it to march by, drink by or fight by. It was sung everywhere. Senator Benton complained that steamboats and hotels were crowded with Whigs singing this "Whig

doggerel," much to the annoyance of decent Democrats. It was the marching song of the campaign, and one writer said that what the "Marseillaise" was to Frenchmen, "Tippecanoe and Tyler Too" was to the Whigs of 1840. That it was the most universally sung and that it was the greatest rallying cry of the campaign is unquestionably true. All other songs were supplementary. It was written by Alexander C. Ross of Zanesville. It belongs to that class of topical songs that could be lengthened at will and applied to meet all localities and events. To every verse, not always the same, was the chorus which was the real rallying cry:

"For Tippecanoe and Tyler, too—Tippecanoe and Tyler, too;
And with them we'll beat little Van, Van, Van.
Van is a used-up man;
And with them we'll beat little Van."

The most extravagant feature of the campaign was a huge ball, ten or twelve feet in diameter, which was rolled along in the processions of the day. It made its first appearance at the Young Men's Whig Convention at Baltimore in May. It was a round wooden frame covered with linen painted in bright colors, and on all sides covered with political phrases. It was transferred from city to city to be used in Whig political demonstrations. At one time we find it at Zanesville, then at Nashville, and again at Annapolis. As the marchers accompanied it they sang:

"Hail to the ball which in grandeur advances,
Long life to the yeomen who urge it along;
The abuse of our hero his worth but enhances;
Then welcome his triumphs with shout and with song.
The Whig ball is moving!
The Whig ball is moving!"

Oratory vied with song in swaying the multitudes. At no time before or since has the political meeting played such a part in Ohio campaigns. Some of these gatherings would last for several days—just as the supply of orators held out. The people seemed hungry for speeches and songs. It was not at all uncommon for the speaking to continue from noon until sundown, and the next morning find the enthusiastic partisans fresh for another day of the political picnic. The foremost orator of the Whigs was Thomas Ewing, the distinguished lawyer of Lancaster. He was recognized as the leader of the Ohio bar and the greatest public man in the State. He had served in the United States Senate in 1831-37, and, with Henry Clay, advocated the protective tariff system. He discussed the serious issues of finance, tariff and the sub-treasury. When General Harrison was elected he made Mr. Ewing Secretary of the Treasury. The Whig candidate for Governor was the most popular orator of the campaign. "Tom" Corwin, with his inimitable humor and laugh-provoking mimicry, kept the crowds in a roar, and his canvass was one continuous triumph of fun. The chief Democratic orator was Thomas L. Hamer of Clermont county. He was the ablest and most popular Democrat in his party. He had served in Congress from 1833 to 1839, and through him young Ulysses S. Grant was appointed to West Point.

In this canvass there appeared as one of the orators of the Whigs a remarkable character known as the "Buckeye Blacksmith"; his sensational leap from obscurity to the limelight of the rostrum was one of the striking episodes of the year. His name was John W.

Bear and he lived at Zanesville, where he pursued his trade. He was gifted with great native powers of expression and eloquence, and possessed eccentric traits that emphasized these. His initial and unheralded appearance was at the great ratification meeting at Columbus. Clad in his blacksmith clothes, with leathern apron and tongs, and his face begrimed as though he came direct from the forge, he appeared at the main stand as the speaking commenced. Recognized by some of the Whigs from Zanesville, he was called upon for a speech.

With his first speech he became famous. His unique appearance and intense earnestness made a deep impression. He was the prototype of the working man in politics and spoke especially to voters of this class on the tariff. In sarcastic vituperation he aroused his partisans to the highest pitch, and in appeals against the aristocratic tendencies of Van Buren he was a "rabble-rouser." One of the local subjects of Whig attack in this campaign was Sam Medary and his paper, *The Ohio Statesman*. Medary had been State Printer some years before, and as the leading Democratic editor and politician was a special subject of investigation by the Whigs when they came into control. As their chief opponent by reason of the great influence of his newspaper and its pugnacious editorials, he was especially obnoxious to the Ohio Whigs. Responding to this sentiment and doubtless under instruction of party leaders, the "Buckeye Blacksmith" devoted a great deal of time with evident pleasure in flaying Sam Medary, which he did with torrents of abuse and invective. To this Medary returned in kind in the

columns of his newspaper, all of which only served to make the new and sensational orator the most conspicuous figure in the campaign.

As an example of his realistic methods of oratory, the following incident in connection with one of his speeches is told by himself: "I had prepared a boy with a blacksmith's tongs and a basin of water, some soap and a towel. When it was my turn to speak, I stepped forward with leather apron on, sleeves rolled up and tongs in hand, ready for business amid the shouts of the multitude. When order was restored, I said, 'Gentlemen of the convention, I have a very dirty job to do, so I have my tongs with me, as you see.' Medary's paper was lying on the stand. I lifted it up with the tongs, read a short paragraph from it, and let it fall and wiped my feet on it, then called for soap and water, washed the tongs, and sent them to their owner, as I said, without defiling them with such a dirty thing as Sam Medary's paper. This caused the wildest excitement I ever saw."

It does not argue much for the intellectual grade of a campaign and its electorate that crowned this character as one of its most potent influences. Yet it is a fact that no speaker, not even Webster, Clay, Preston, Ewing or Corwin was in such demand. After great meetings at Lancaster, Chillicothe, Dayton, Cincinnati, Portsmouth, in Eastern and Northern Ohio, he was invited by George D. Prentiss and Henry Clay to Kentucky. From there the Whigs assigned him to Pennsylvania and Maryland, where his tours were emotional triumphs. In Washington he addressed a monster meeting at which President Van Buren was

present and listened with amusement to the stories and criticisms of himself. The President told Senator Crittenden that he regarded the "Buckeye Blacksmith" a dangerous man in the free North, as he would take a powerful hold on the working men. While in Washington the orator was the guest of former President Adams.

After nine months on the stump his meteoric career closed with the election of General Harrison. He visited the President-elect at North Bend, and was received with great consideration. As a reward of his labors, General Harrison promised him the Agency among the Wyandot Indians at Upper Sandusky. To this he was appointed, but he was removed by President Tyler later on, because he declared for Henry Clay for President. He continued to participate in campaigns for twenty years, but he never made a distinct impression after 1840. The public mind became too serious for the methods and oratory of the type of "Tippecanoe and Tyler Too."

It will be remembered that the Whig State Convention held in February passed a resolution recommending the celebration of the siege of Fort Meigs by holding a mass meeting on the grounds of the old fort. This took place on June 10th and 11th; General Harrison was present, and it was one of the most impressive of the Whig gatherings of the canvass of 1840. At this time the site of the fort was well outlined; the ditch, the glacis, and the sally-ports, though overgrown with short, thick grass, were all distinctly defined. There was everything in the present surroundings and in the historic past calculated to arouse patriotic enthusiasm. As night came, upon the evening of June

10th, the day preceding the meeting, the scene was most picturesque. Crowds of people had arrived during the day from the neighboring states of Indiana and Michigan, and from the distant counties in Ohio. Thousands came from the eastern states by boats on Lake Erie, which landed them at the foot of the Rapids, the head of navigation. In fact, the South, East and West all had large delegations in the vast assemblage. By nine o'clock in the evening there were fully twenty thousand people on the grounds. These were divided into groups listening to and cheering some favorite orator, or singing campaign songs.

On the edge of the adjacent forest were ranged the white tents of the military and citizens. The beauty of the night and the environment conspired to make the occasion impressive. The sky was cloudless; the moon was up, and under its soft and mellow radiance, the flare of numerous torches and bonfires, the music of bands, and the exhortations and singing, the assemblage possessed all the fervor of a camp meeting. Before morning this peaceful scene was changed. To add to the realism of the celebration a sham attack on Fort Meigs was made at midnight by a band of more than two hundred Indians, some of whom had participated in the real event of thirty-seven years before. The drums beat to quarter, the skirmishers were driven in, the roar of cannon and the volley of musketry rent the air, and until morning some of the stirring scenes of the siege were reproduced with startling reality. But the Indians were repulsed, some were captured, and the camp was saved.

The next day, June 11th, the vast gathering was increased by additional arrivals, until, it is recorded, forty thousand people were present. The meeting was organized in the morning with Thomas Ewing presiding, and shortly after General Harrison arrived and ascended the stand, on which were seated many of his old comrades-in-arms. The chroniclers of that day record in the most extravagant language the enthusiastic reception given the Whig candidate for President.

Of all the meetings of this campaign, that of September 10th, held at Dayton, was the greatest in numbers, as well as the most effective in its influence, throughout the country. It has not been equalled since in the history of politics. The present generation, notwithstanding its cheap transportation and increased population, has furnished no meeting to rival it. The Brough-Vallandigham campaign in 1863 more nearly approached that of 1840 in the deep interest and enthusiasm manifested by the people, but it furnished no such counterpart as that of General Harrison's meeting at Dayton. With a due regard to the historic, the anniversary of Perry's victory on Lake Erie was the date fixed upon. The memorable message of the young commodore to his commander-in-chief was on every tongue, and there was a patriotic revival of the memories of General Harrison's military life.

The approach of General Harrison to Dayton was a series of triumphal marches from his home at North Bend. Vast multitudes followed along the roadside all the way on foot and horseback. As to the meeting itself, it can only be accounted for on the theory that the people had taken up his election as a mission. It

had developed into a crusade, and time, distance, weather, or transportation were not taken into consideration. The multitude covered ten acres by actual measurement. While General Harrison was speaking, according to *Niles' National Register* (September 26, and October 3, 1840), the ground upon which the crowd stood was measured by three different civil engineers. Allowing four persons to a square yard, the three estimates placed the numbers at seventy-seven thousand, six hundred; seventy-five thousand, and eighty thousand respectively. The size of the meeting was of national concern and notoriety, and in speaking of the number present, the paper above referred to said:

"During the time of making three measurements, the number of square yards of surface covered was continually changing, by pressure from without and resistance within. This fact accounts satisfactorily for the slight difference in the results attained, and shows that that difference strengthens instead of weakens the probable correctness of the calculations. No one present would have pretended that there were less than twenty thousand within the limits of the measurement of the city, sauntering around the environs, scattered around the booths where refreshments were vended, and lying in large groups upon the plain, discussing affairs of state and making speeches for themselves. This will swell the number at the Miami Valley convention, including the citizens of Dayton (whose population is between five and six thousand) which we do, to about one hundred thousand."

General Harrison's address on this occasion was delivered with a fervor and animation that belonged to youth rather than age. In opening his address he made a happy reference to the victory on Lake Erie: "Fellow citizens, it was about this time of the day twenty-seven years ago this very hour, this very minute, that your speaker, as commander-in-chief of the Northwestern army, was plunged into an agony of feeling when the cannonading from our gallant fleet announced an action with the enemy. His hopes, his fears were destined to be soon quieted, for the tidings of victory were brought to him on the wings of the wind. With the eagle of triumph perching upon our banners upon the lake, I moved on to complete the overthrow of the foreign foe. The anniversary of that day can never be forgotten, for every American has cause to rejoice at the triumph of our arms on that momentous occasion; but the brave and gallant hero of that victory is gone, gone to that home whither we are all hurrying, and to his memory let us do that reverence due to the deeds of so illustrious a patriot."

After this meeting General Harrison spoke at Chillicothe, Lancaster and Columbus, and at none of these were there less than twenty-five thousand people present.

It was evident from the beginning of the canvass that General Harrison would carry Ohio. The election returns show of the popular vote on electors 148,141 were cast for the Whig candidate, and 124,780 for Van Buren, giving the former a majority of 23,361.

After the election, with that mental resiliency so characteristic of the American people, a normal condition was restored, and the country settled down to receive and enjoy the campaign promises of the Whigs —the blessings of good times and an honest government. But in the day of triumph came the sorrow of a bitter disappointment. General Harrison died one month after his inauguration. Thus Ohio presented her first President to the nation only to see him taken away on the threshold of his administration.

One of the fruits of the Whig victory in Ohio was the election, by a majority of 16,130, of Thomas Corwin as Governor over Wilson Shannon, who was a candidate for reëlection. Tom Corwin, as he was popularly called, stands out now, as he did then, one of the most striking characters in the political history of Ohio. He had served ten years in Congress prior to his election, and he was known as the most brilliant orator of his day. He possessed wonderful and terrible powers of ridicule and sarcasm, and his eloquence was unequalled in rhetorical beauty and oral expression. He was passionately admired by his friends and equally hated by his enemies. General Harrison recognized him as the most powerful and effective of his supporters in Ohio. Corwin became an object of National admiration on account of his famous speech in Congress, February 14, 1840, in reply to General Isaac E. Crary, of Michigan, who had been so indiscreet as to attack the military reputation of General Harrison. In a speech, which was a masterpiece of satire and sarcasm, Corwin flayed the member from Michigan. Crary's knowledge of the art of war was acquired from his

experience as a militia general, and Corwin heaped on his defenceless head all the ridicule that a pompous hero of that type would naturally invite. No description can convey the power and humor of this speech; it can be read to-day with appreciation and enjoyment. When it was published the whole nation joined in a laugh. It ended politically poor Mr. Crary forever. John Quincy Adams referred to him on the floor of the House next day as "the late Mr. Crary of Michigan."

Corwin's place in the campaign was peculiarly his own. While on every occasion General Harrison attracted larger crowds, Corwin was in universal demand at them all. In July, he engaged in a joint debate with Thomas L. Hamer at Columbus. His competitor, Governor Wilson Shannon, was an able lawyer of St. Clairsville and popular, as is evidenced by the fact that he received over five thousand more votes than Martin Van Buren. Governor Shannon was aided in his campaign by such distinguished Democrats as Vice-President Richard M. Johnson, Senator William Allen and Thomas L. Hamer. Thomas Corwin assumed the duties of the Governor's office December 16, 1840.

Chapter III.

OHIO IN THE MEXICAN WAR.

THE office of Governor did not prove attractive to Mr. Corwin. It afforded no opportunity to display either his talents or abilities. In those days it was a position more of dignity than of power. He used to say that his principal duties were "appointing notaries public and pardoning convicts in the penitentiary." The salary was fifteen hundred dollars a year, and the Governors of Ohio spent very little time in Columbus. The majority of Corwin's predecessors had been farmers, and they only came up to the capital at rare periods, and these were between seed time and harvest. As he was a lawyer of extensive practice, he spent most of his time in the practice of his profession at Lebanon.

Addison P. Russell, who was formerly Secretary of State of Ohio (1858-62), and who survived to a dignified old age at Wilmington, Ohio, wrote a delightful monograph ("Thomas Corwin. A Sketch." Cincinnati, 1881), which is a neighbor's tribute to, and an analysis of, Corwin's character and life. In passing it may be noted also that his "Library Notes," 1879; "Characteristics," 1884; "A Club of One," 1887; "In a Club Corner," 1890, and "Sub-Coelum," 1893, are among the most charming essays in American literature, and have won the love of all readers of the good and beautiful in modern letters.

But to the subject—of Governor Corwin he writes: 'During the two years Mr. Corwin was Governor, he was proverbially in the best of humor. All the time he could get from public duties was spent at his home in Lebanon. He seemed running over with fun and anecdotes, and he never lacked appreciative listeners when

he wished to talk. Very busy people avoided him as a dangerous temptation. Young men especially gathered about him with big eyes of wonder. They had no envies or jealousies to prevent them from admiring him. To them he discoursed with the utmost freedom. With them, when his mind was fullest and freest, he indulged without limit in monologues. He was fond of young men; especially those who were inclined to improve themselves and who seemed to be promising."

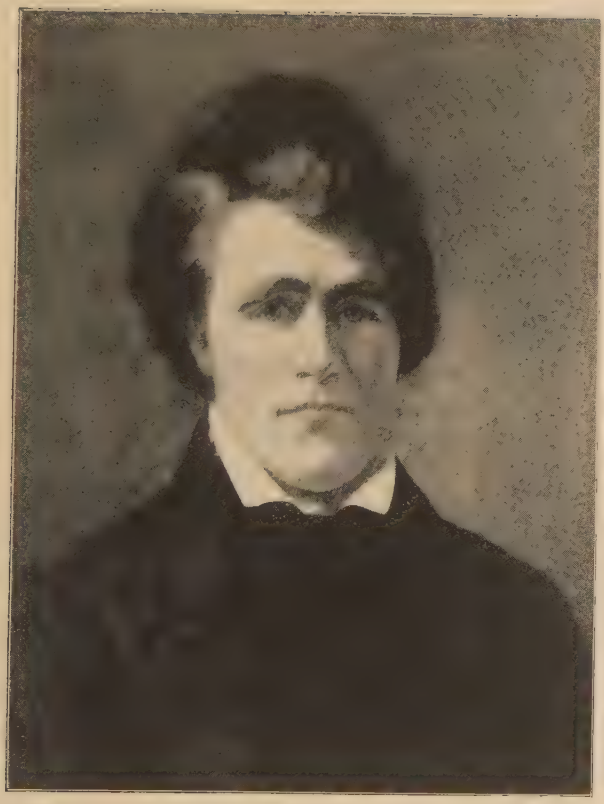
In 1842 he was renominated, but his old opponent, Wilson Shannon, defeated him by the small plurality of 3,893. The anti-slavery sentiment was just beginning to develop in Ohio, and, consolidated under the name of the "Liberty Party," this element nominated as its candidate Leicester King. His strength at the polls was drawn largely from the Whigs, and consequently weakened Corwin. King polled 5,312 votes, and Governor Corwin was defeated. He never again figured in State politics, but out of this defeat came a calling to the higher plane of National public life.

In 1844 he was elected by the Ohio Legislature as United States Senator for six years from March 4, 1845. He commenced his Senatorial career in an exciting time, and he brought to his service a national reputation as one of the most influential Whigs of his day. He was confessedly the most famous and the most popular orator in the country. He stood abreast with his party in the growing sentiment against slavery, and was opposed to the annexation of Texas and a war with Mexico. It was by his speech in connection

THOMAS LYON HAMER

From a painting in the Capitol in Columbus.

Born in Pennsylvania, 1800, and removed to Ohio at the age of seventeen; admitted to the bar and practiced at Georgetown, Brown county; member of Congress, 1833-39; enlisted as a private in the Mexican War, and was promoted by President Polk to Brigadier General; died in Monterey, Mexico, December 2, 1846.



with the latter event that he impressed himself on the annals of Senatorial oratory, and became forever associated with the Mexican War.

The war with Mexico was declared May 13, 1846. Hostilities had been commenced by the Mexicans before this. They had crossed over to the east bank of the Rio Grande, and on May 8th gave battle to General Taylor's forces at Palo Alto. When President Polk learned these facts, he sent a special message to Congress, May 11th, saying: "Now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood on American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war. As war exists, and, notwithstanding our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country." The President's request for men and money to carry on the war was promptly and favorably responded to by Congress, which the next day passed a bill, with only sixteen votes dissenting, declaring that "by the acts of the Republic of Mexico a state of war exists between the United States and that Republic." The President was authorized to call for the services of 50,000 volunteers, and ten million dollars was given him as "sinews of war." So the war with Mexico commenced.

It was not popular at first, but eventually became so for the reason that all wars with foreign nations are popular. Nevertheless, the Whigs opposed it on the grounds that it was unrighteous and in the interest of

with the latter event that he impressed himself on the annals of Senatorial oratory, and became forever associated with the Mexican War.

The war with Mexico was declared May 13, 1846. Hostilities had been commenced by the Mexicans before this. They had crossed over to the east bank of the Rio Grande, and on May 8th gave battle to General Taylor's forces at Palo Alto. When President Polk learned these facts, he sent a special message to Congress, May 11th, saying: "Now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood on American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war. As war exists, and, notwithstanding our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country." The President's request for men and money to carry on the war was promptly and favorably responded to by Congress, which the next day passed a bill, with only sixteen votes dissenting, declaring that "by the acts of the Republic of Mexico a state of war exists between the United States and that Republic." The President was authorized to call for the services of 50,000 volunteers, and ten million dollars was given him as "sinews of war." So the war with Mexico commenced.

It was not popular at first, but eventually became so for the reason that all wars with foreign nations are popular. Nevertheless, the Whigs opposed it on the grounds that it was unrighteous and in the interest of

the extension of slavery. This sentiment was so strong in Ohio that the war was not generally supported. The Whigs of this State felt that the annexation of Texas, which preceded the war, was a deliberate and concocted scheme for perpetuating slavery. Hence there was not a widespread war spirit in Ohio, or, in fact, throughout the North. In the South, though, the enthusiasm was great and unconfined. There was difficulty in suppressing recruiting in the Southern States, and fears were expressed that enough whites would not remain at home to take charge of the slaves. The usual advertisements calling for recruits were headed: "Ho! for the Halls of the Montezumas!" but on Whig ears all these appeals fell flat, and they gave little response in soldiers or enthusiasm.

On the other hand, it is also true, as was claimed by the Democrats, that there had been a systematic and long continued course of faithlessness, falsehood and insolence on the part of Mexico toward our Government. She was guilty of aggravating wrongs, refused to adjust rightful claims, declined to arbitrate subjects of difference, and, to cap the climax, she had invaded our soil and murdered our citizens. The test of history justifies the Mexican War. The objection of the Whigs that it was waged to acquire additional slave territory has been answered by "manifest destiny." In all the territory acquired from Mexico through this war under the treaty of Guadalupe Hidalgo—California, Arizona, Nevada, Utah, and a part of New Mexico—slavery never existed.

In response to the first call of President Polk for three regiments from Ohio, Governor Bartley issued

his proclamation May 20, 1846, appealing to the courage and patriotism of the State to render promptly the required aid. Samuel R. Curtis, Adjutant General of the State, established a general rendezvous at Camp Washington, near Cincinnati, to which point all companies were ordered to proceed as soon as organized.

That there was a sustaining war sentiment in Ohio is evidenced by the fact that in less than two weeks after the President's requisition was received, three thousand Ohioans were marching toward the rendezvous. Before June forty companies were in their tents at Camp Washington. During this month companies assembled here from all over the State; indeed, more appeared than necessary to fill the quota, and these, with much clamor and dissatisfaction, were turned homeward. The thirty companies in camp were ordered by Governor Bartley to be organized into three regiments, and these, after being reviewed by General Wool, who was on his way to Mexico, were mustered into the service of the United States for one year.

The recruiting of volunteers was kept up until the Ohio military forces for the war were organized into five infantry regiments, fifteen independent companies of infantry, five companies for the Fifth United States Infantry, and one company of United States Mounted Riflemen. There were about seven thousand officers and men in the Mexican War from Ohio in the army, not including the navy, and these constituted about one-eighth of the entire land forces.

The part that Ohio played in this conflict has been largely overlooked from the fact that the great Civil War of 1861 so overshadowed it in importance that

little has been written or preserved in the way of general literature concerning it. It is proposed here to give a detailed history of each of the regiments engaged in Mexico from Ohio. It will show that the State performed its duty in this conflict with the same vital earnestness that it has whenever the Union called upon it for assistance.

The data following has been collated from the official records of the office of the Adjutant General of Ohio.

The First Regiment of the Ohio Volunteer Infantry was organized at Camp Washington, June 23, 1846, and was transferred by the Governor of Ohio to the service of the United States and accepted by General Wool on that date. The officers of the regiment were Colonel Alexander M. Mitchell, Lieutenant Colonel John B. Weller, and Major Thomas L. Hamer. Major Hamer was promoted to Brigadier General, and Luther Giddings became major of the regiment. This regiment was recruited principally from Southern Ohio. Its captains, and where recruited, were as follows:

Robert N. Moore (A),Cincinnati.
Luther Giddings (B), Dayton.
Lewis Hornell (C), Cincinnati.
Edward Hamilton (D), Portsmouth.
John B. Armstrong (E), Cincinnati.
Edward D. Bradley (F), Lower Sandusky.
Sanders W. Johnson (G), Cincinnati.
Philip Muller (H), Cincinnati.
James George (I), Cincinnati.
William H. Ramsey (K), Cincinnati.

This regiment reached Mexico in July and arrived before Monterey on the 19th of August. Under

General Taylor it entered the town under a heavy fire from the enemy. This was its baptism of blood, and right bravely did the regiment conduct itself. Colonel Mitchell and Adjutant Armstrong were wounded and Lieutenant Matthew was killed. General Thomas L. Hamer wrote to Governor Bartley of the gallant conduct of this regiment at the battle of Monterey, September 21, 1846, as follows:

"I wish you could have been present and seen your First Regiment in the battle of Monterey. I am sure you would have been proud of them. They walked into the most galling and murderous cross-fires of the enemy with the coolness of old regular soldiers—not a man nor an officer flinching. They formed and fired upon the enemy with steadiness and obeyed every order promptly.

"They received great credit from every officer of the Army who saw them. I regret exceedingly that our other two regiments were not with us, as I have the same confidence in them as in the First. If the war goes on—we shall all be in it before long,—you who are at home need have no fear of our troops sustaining the honor of Ohio.

"We have now an armistice of eight weeks—and when that closes we shall probably go at it again on a larger scale.

"We are bringing up reinforcements and heavy battering cannon.

"Very respectfully, your obedient servant,

"Th. L. Hamer, Brig. Gen., U. S. A.

"His Excellency, M. Bartley,

"Columbus, Ohio."

It participated in various engagements after this, the principal one of which was that at Ceralvo, March 7, 1847. Its record is that of faithful performance of hazardous duties, until it was mustered out of service June 15, 1847. Its loss during its brief term of service was twenty-four killed and forty-two died of disease.

The Second Regiment was organized at the rendezvous, Camp Washington, June 22, 1846. George W. Morgan of Mt. Vernon was its Colonel, William Irvin Lieutenant Colonel and William Wall Major. The companies composing the regiment, with their officers and places of recruitment, were as follows:

Hobby Reynolds (A), Chillicothe.
Simon B. Kenton (B), Mt. Vernon.
David Irick (C), Hillsboro.
Simon B. Tucker (D), Logan.
Robert G. McLean (E), Athens.
John F. Mickum (F), Columbus.
Evan Julian (G), Lancaster.
Richard Stadden (H), Newark.
Daniel Bruner (I), Circleville.
William A. Latham (K), Columbus.

July 9, 1846, the regiment left Cincinnati for Mexico, and in about three weeks they reported to General Taylor, who ordered Colonel Morgan and his command to garrison Camargo. With this place as headquarters the regiment did escort duty between Camargo and Monterey.

The service of the regiment in Mexico may be well judged by the following order of General Wool, issued at Buena Vista, May 16, 1847, prior to the mustering out of the regiment: "The General commanding cannot see the Ohio regiments separate from his command

without expressing the entire satisfaction which their good discipline, orderly conduct, and fine military appearance have uniformly given him, and which causes him so deeply to regret that they are not to be with him in the future operations against Mexico.

"The Second and Third Regiments will return to their homes with the consciousness that they have done great credit to their State, rendered good service to their country, and that they bear with them the hearty good will and sincere admiration of the companies and commander."

This regiment fought at Aqua Fria and Buena Vista, and had lost during its period of service six killed, two drowned and sixty died of disease.

It was mustered out of the United States service June 23, 1847, at New Orleans.

The Third Regiment organized at Camp Washington in June 1846, had for its Colonel Samuel R. Curtis, who was the Adjutant General of Ohio and commandant of the post, Camp Washington.

George W. McCook was Lieutenant Colonel and John L. Love, Major.

The following is a list of the original captains, showing their companies, by letter, and where recruited:

William McLaughlin (A), Mansfield.
Jesse Meredith (B), Coshocton.
Thomas H. Ford (C), Mansfield.
John Patterson (D), St. Clairsville.
David Moore (E), Wooster.
James F. Chapman (F), Tiffin.
Asbury F. Noles (H), Zanesville.
John Kell, Jr. (I), Steubenville.
James Allen (K), Massillon.

In Mexico it was a part of General Taylor's "Army of the Rio Grande" and was engaged in active service in many skirmishes. It did much in the way of protecting wagon trains and escort duty, and was mustered out of the service June 24, 1847. During the year it was in Mexico its loss was sixty-four killed and died of disease.

The Fourth Ohio Infantry was organized at Cincinnati in June, 1847, with Colonel Charles H. Brough, Lieutenant Colonel Melchior Werner and Major William P. Young as field officers. Its original captains and places of recruitment were:

August Moor (A), Cincinnati.
Otto Zirckel (B), Columbus.
Samuel Thompson (C), Lower Sandusky.
George Weaver (D), Ganges.
Michael C. Lilly (E), Columbus.
George E. Pugh (F.), Cincinnati.
Thomas L. Hart (G), Millersburg.
George A. Richmond (H), Cincinnati.
Josiah M. Robinson (I), Cincinnati.

This regiment left Cincinnati July 1, 1847, landed at the mouth of the Rio Grande, marched to Matamoros and garrisoned that town until September 4, 1847, when it proceeded to Vera Cruz, arriving there eleven days later.

On October 12th the regiment entered Puebla to the rescue of Colonel Childs, who held that city for twenty-eight days; October 19, 1847, the battle of Atlixco was fought, the Fourth Regiment participating in it with bravery and success.

During its year's service the regiment loss was four killed in battle, one died of wounds received in battle and seventy-one of disease. It was mustered out of service July 24, 1848, at Cincinnati.

After the return of the Second Regiment from Mexico the War Department authorized its Lieutenant Colonel, William Irvin, to effect a new organization. It was discovered that only a small portion of the old companies would reënlist, and accordingly a new regiment was created with William Irvin as Colonel. It was originally intended that the regiment should be known as the "Fifth Ohio Volunteer Infantry"; but the records of the War Department at Washington and those of the Adjutant General at Columbus show that it was mustered in and mustered out as "The Second Ohio Volunteer Infantry."

Its original captains and the locations of the companies were as follows:

Nathan H. Miles (A), Cincinnati.
Richard Stadden (B), Newark.
John W. Lowe (C), Batavia.
William A. Latham (D), Columbus.
Joseph W. Filler (E), Somerset.
William T. Ferguson (F), Lancaster.
James E. Harle (G), Mt. Vernon.
Joseph E. Smith (H), Circleville.
John C. Hughes (I), Columbus.
George F. McGinnis (K), Chillicothe.

The regiment was mustered into the service about September 1, 1847, and on September 10th it left Cincinnati on three steamboats for New Orleans. From thence it went to Vera Cruz, where it arrived about

October 4, 1847, and went into camp near that city. In October General Caleb Cushing ordered the regiment to march to the interior as an escort for one thousand wagons and two thousand pack mules loaded with ammunition, provisions and clothing bound for the City of Mexico. It was on duty in and about that city and Puebla. It was actively engaged until the war closed in numerous skirmishes with guerrillas in the mountainous districts.

Upon the declaration of peace this regiment returned to the United States by way of New Orleans, and from thence to Cincinnati, where it was mustered out July 26, 1848.

The losses of this regiment were very large, considering its brief service. Seventy-four men lost their lives in skirmishes with guerilla bands and from disease.

In addition to the foregoing organizations there were fifteen independent companies, each known by the name of its captain. These companies were as follows:

Duncan's (John R.) Independent Company of Mounted Volunteers. Was mustered in at Cincinnati, June 1, 1847, and mustered out August 2, 1848. Had performed gallant service on the Rio Grande and in and about Ceralvo.

Dauble's (John G.), mustered in at Cincinnati, June 15, 1846, and mustered out there, December 7, 1846.

Churchill's (Frederick A.), mustered in at Cincinnati, June 15, 1846, and mustered out October 14, 1846.

Kessler's (Herman), mustered in at Cincinnati, June 15, 1846, and mustered out there, October 17, 1846.

Durr's (George), mustered in at Cincinnati, June 15, 1846, and mustered out there, December 7, 1846.

Caldwell's (John), mustered in May, 1846, and mustered out at Bucyrus, October 26, 1846.

Donnell's (H. O.), mustered in at Cincinnati, June 15, 1846, and mustered out there, October 17, 1846.

Ward's (Thomas W.), mustered in June, 1846, and mustered out at Cincinnati, October 14, 1846.

Moor's (Augustus), mustered in at Cincinnati, June 15, 1846, and mustered out there, October 14, 1846.

Hawkin's (Joseph L.), mustered in at Cincinnati, June 15, 1846, and mustered out there November 5, 1846.

Stout's (Atlas L.), mustered in June 5, 1846, and mustered out at Dayton, Ohio, November 4, 1846.

Link's (Francis), mustered in at Cincinnati, June 15, 1846, and mustered out there October 14, 1846.

Love's (John S.), mustered in June 4, 1846, and mustered out at McConnellsville, Ohio, October 29, 1846.

Kenneally's (William) known as the "First Foot," made a good record in Mexico; it was mustered in at Cincinnati, October 5, 1847, and mustered out there, July 25, 1848.

Riddle's (Robert R.), known as the "Second Foot," was mustered in at Cincinnati, October 26, 1847, and mustered out there, July 17, 1848.

The United States Mounted Riflemen, under Captain Winslow F. Sanderson, was formed from the young

men of Columbus, Norwalk and Wooster, in May, June and July of 1846. It is known on the roster as Company B, which served in the Mexican service at Vera Cruz and Puebla. It was mustered out at Jefferson Barracks, Missouri, August 28, 1848.

The Fifteenth United States Infantry was organized in Ohio by authority of an Act of Congress, to serve during the war. Its field officers were, Col. George W. Morgan of Mt. Vernon, Lt. Col. Joshua Howard, and Majors Leslie H. McKenney and Frederick D. Mills; the latter was killed at San Antonio, Mexico, August 20, 1847. This regiment was organized during the months of April and May, 1847. It was composed of the following companies with which their captains and places of recruit are given:

David Chase (B), Toledo, Lower Sandusky and Defiance.
James A. Jones (C), Norwalk.
Edward A. King (D), Dayton.
John L. Perry (H), Cleveland.
Moses Hoagland (I), Millersburg.

On the Vera Cruz route and in battles under General Scott, this regiment distinguished itself. It lost heavily at Chapultepec, in the storming of which it performed a gallant part, and was in the triumphant capture and occupation of the City of Mexico. It was mustered out of the service at Cincinnati, August 13, 1848.

In the Mexican service many of the Ohio volunteer officers won distinction, and some of these, by the experience acquired therein, attained high rank subsequently in the Civil War. Captain Ferdinand Van Derveer of the First Ohio Volunteers became a brigadier

general; so, also, did Colonel George W. Morgan and Robert B. Mitchell of the Second, Lieutenant Samuel Beatty and Lieutenant Colonel George W. McCook of the Third, and Lieutenant August Moor of the Fourth. Captain William H. Lytle of Kenneally's First Foot also became a brigadier general and fell gallantly heading his command at Chickamauga.

There were also, in Mexico, serving in the Regular Army, a number of young officers from Ohio. They all distinguished themselves by honorable service. Some of them reached the highest military distinction in the War of 1861. Lieutenant Ulysses S. Grant of the Fourth United States Infantry was in the first battle of the war at Palo Alto. From this on he saw active service at Monterey, Molino del Rey, Vera Cruz and at the storming of Chapultepec, at which place he won his captaincy. Lieutenant William T. Sherman of the Third Artillery, who was detailed for special service in the occupancy of California, became a captain by reason thereof. Lieutenant Don Carlos Buell of the Third Infantry was also brevetted captain for distinguished services on the field. In the Civil War he obtained the rank of major general. Lieutenant Charles C. Gilbert of the First Infantry and Lieutenant John S. Mason of the Third Artillery both became brigadier generals. From which it is apparent that, for Ohioans at least, the Mexican campaigns were training schools that developed military talents which afterward ripened into fame and high position.

Nor was Ohio without representation in the naval operations against Mexico. Reed Werden, James F. Schenck, L. C. Rowan, Roger M. Stembel, George M.

Ransom and Henry Walker, all appointed from Ohio, served in the United States Navy during the Mexican War. Werden was at the capture of Tupsan and became rear admiral. Schenck was in various engagements in California and was at the bombardment and capture of Guyamas and Mazatlan in Mexico; he became a rear admiral. Rowan fought on sea and land in the Pacific Coast operations which resulted in the surrender of Los Angeles and the whole of California by the Mexican governor; he became a vice admiral. Stembel and Ransom both served with junior rank in Mexico; the former became a rear admiral and the latter a commodore. Walker participated in the surrender of Vera Cruz, Tupsan and Tobasco, and became a rear admiral. The final rank attained by all these officers was the result of service in the Civil War.

Surely if our Nation won victory and renown in Mexico, Ohio had a full share in all the honors.

No incident of the Mexican War created a more profound impression of sorrow on the people of Ohio than did the death by disease of General Thomas L. Hamer, at Monterey, Mexico, December 2, 1846, in the forty-sixth year of his age. He had entered the army as the major of the First Ohio Volunteer Infantry. As the most popular Democrat of Ohio he was the idol and the ideal of his party. He had served in the Legislature and in Congress and enjoyed the reputation of a great lawyer and an eloquent orator. In the campaign of 1840 he was the only man in Ohio that could engage in joint debate with Tom Corwin, the Whig candidate for Governor. At the first call of the President he organized the first regiment raised in

Ohio. He had a natural aptitude for military affairs, and before he had reached the seat of war President Polk commissioned him a brigadier general. At the battle of Monterey he displayed fine judgment and gallantry in commanding his brigade, and when General Butler, who commanded the Third Division, was wounded, General Hamer succeeded him.

He was extremely popular with his men. When General Zachary Taylor was informed of Hamer's death, he exclaimed, "I have lost the balance wheel of my volunteer army!" In the official communication to the War Department announcing his death General Taylor said: "In council, I found him clear and judicious; and in the administration of his command, though kind, yet always impartial and just. He was an active participant in the operations before Monterey, and since had commanded the volunteer division. His loss to the army at this time cannot be supplied, and the experience which he daily acquired in a new profession rendered his services continually more valuable. I had looked forward with confidence to the benefit of his abilities and judgment in the service which yet lies before us, and feel most sensibly the privation of them."

The participation of General Hamer and Lieutenant Ulysses S. Grant in the battle of Monterey recalls the fact that the young lieutenant owed his West Point cadetship to Hamer. In his "Personal Memoirs" (Volume I, page 33), General Grant refers to this:

"The Honorable Thomas L. Hamer, one of the ablest men Ohio ever produced, was our member of Congress at the time, and had the right of nomination. He and

my father had been members of the same debating society (where they were generally pitted on opposite sides), and intimate personal friends from their early manhood up to a few years before. In politics they differed. Hamer was a life-long Democrat, while my father was a Whig. They had a warm discussion, in which they finally became angry, over some act of President Jackson—the removal of the deposit of public moneys, I think,—after which they never spoke until after my appointment. I know both of them felt badly over this estrangement, and would have been glad at any time to come to a reconciliation; but neither would make the advance. Under these circumstances my father would not write to Hamer for the appointment, but he wrote to Thomas Morris, United States Senator from Ohio, informing him that there was a vacancy at West Point from our district, and that he would be glad if I could be appointed to fill it. This letter, I presume, was turned over to Mr. Hamer, and, as there was no other applicant, he cheerfully appointed me. This healed the breach between the two, never after opened."

Although General Hamer had been buried with all the honors of war at Monterey, the State of Ohio, through its legislature, ordered his remains to be brought back for formal interment at his home at Georgetown in Brown county. For this purpose the following commissioners were appointed to proceed to Mexico: John Allen of Brown county, James C. Kennedy of Clermont and James H. Thompson of Highland. They were authorized to draw on the State treasury for the funds necessary to perform their mission. On their

return, through a State funeral, the final honors of a grief-stricken people were paid Thomas L. Hamer. The sincere and lasting hold that he had upon the affections of its countrymen is in evidence yet. For though more than a generation has passed, his name and memory are as fresh in Southern Ohio as if he had died but yesterday.

Turning from the battle-fields of Mexico, where American arms were winning victories at the sad expense of many brave soldiers and sailors, we find at home a complicated situation. The Whig party was divided in its view of the war. Some favored supporting the Government inasmuch as there was actual war between the United States and its enemies, but the more radical element opposed it on the ground that to give its support would be promoting the cause of slavery. The representative of the latter section of the Whig party was Senator Thomas Corwin of Ohio. He was firmly convinced that the war was unjust and dishonorable. He finally concluded to take the boldest and most dangerous attitude that any citizen can assume when his country is at war. That is to oppose the appropriation of money to carry on the military movements against his country's enemies.

Senator Corwin did this against the earnest advice of many of his Whig friends. He and two of his distinguished Whig Senatorial colleagues had agreed to assume this position, and throw their votes and influence against appropriations to support the Mexican War. These Senators were Daniel Webster of Massachusetts and John J. Crittenden of Kentucky. When the time came to "show their hands" they both

failed him. Webster, doubtless with the Presidential bee of 1848 buzzing about him, saw that this attitude would alienate the southern Whigs, and Crittenden yielded to the slavery influence of his State. So when the time came to oppose the war appropriations Corwin stood alone as the antagonist. In his great speech, of which more later, he referred to this fact, and complained that there were not enough with him to have saved the wicked city of the Scriptures.

Senator Corwin spoke against the prosecution of the Mexican War in the United States Senate, February 11, 1847. The bill pending was one making further appropriations to bring the existing war with Mexico to a speedy and honorable conclusion. The speech reads as well to-day as when it was delivered, and for lofty eloquence it has not been equalled in the annals of the Senate. It was a courageous speech, honest in its purpose and fearless in its expression. He contended that the war was wrong; that it was a President's and not a people's war, and that it was based on the false proposition that the disputed territory belonged to Texas and not to Mexico. For these reasons, therefore, he objected to voting supplies to carry on such a dishonorable and illegal conflict. Up to the time that Senator Corwin conceived that the war was being advanced for conquest, he had supported the appropriations for the Army in Mexico. Now he was opposed to any further prosecution of the war, and was in favor of withholding its necessary supplies, claiming that the Nation should withdraw its soldiers from Mexico and obtain an honorable peace.

The speech created a profound impression on the country. Its high moral tone, its great ability and parliamentary eloquence were admitted by all, but it was violently attacked by the opposition press as unpatriotic and even treasonable. Nothing but a great moral conviction could have inspired such a speech at such a time. The American arms had been victorious at Palo Alto and Monterey, and General Scott had just commenced his triumphal march toward the City of Mexico. The country was in an ecstasy of exultant victory, and thousands of young men were offering their services daily. The war-spirit had seized the land. For a Senator to oppose such a war and demand the withdrawal of the American troops from Mexico could not be otherwise than unpopular. His political opponents were thrown into a frenzy, and the American people were staggered when he told them: "If I were a Mexican I would tell you: 'Have you not room in your own country to bury your dead men? If you come into mine we will greet you with bloody hands and welcome you to hospitable graves.'"

Many of Corwin's friends deserted him, some of them being high in the Whig party. On the other hand, he won the greatest praise and admiration from the anti-slavery Whigs. Joshua R. Giddings, Horace Greeley and Henry Wilson came out in favor of him as the Whig candidate for President in 1848. His constituents at home—the Miami Valley—supported him to a man. But over the whole country the force of popular opinion was against the speech and the orator. In Ohio there developed against him the most virulent opposition, and he was denounced as a traitor on frequent occasions.

The Legislature was flooded with petitions asking that his resignation be demanded; but a majority of the judiciary committee of the State Senate, to whom these petitions were referred, approved Corwin's course. They reported "that the course pursued, with reference to this war by Honorable Thomas Corwin, has in no degree lessened him in the esteem of the State he represents, but that the implicit confidence in his statesmanship, his moral integrity, his pure patriotism, his true loyalty to the union and the State of Ohio, which was evinced by his election to the high and responsible office of Senator in Congress, remains unimpaired and unfaltering."

The intimate connection of Corwin with Ohio and the Mexican War make his subsequent life properly a part of this chapter. With his fine nature, his natural probity and great talents he was always popular in Ohio and throughout the country. His Mexican War speech would have consigned most public men to oblivion. But his fearless life and independent attitude on great questions gave him a public character which won the confidence of the people regardless of party. In the presidential canvass for the nomination in 1848, he declined to allow his name to be considered in the convention. He realized as much as any man in the Whig party that his course in the Senate disqualified him for popular favor. A great war had been brought to a successful close; it was full of gain to the United States, and a conquering war chief was the great object of the people's adulation. The result was the setting aside of Clay and Webster and the nomination of General Zachary Taylor. Like all military candi-

dates, with the glamour of military glory surrounding him, he was easily elected. For the second time Death cheated the Whigs out of their victory, and President Taylor died in the midst of his term. Millard Fillmore became President, and Thomas Corwin was confirmed as Secretary of the Treasury in his Cabinet, July 20, 1850. He remained, amidst many changes, in the Cabinet until the end of the administration. It was the last of the power of the Whigs, and that party went out of existence in the evolution of great political questions.

Mr. Corwin returned to private life in 1853, and resumed the practice of his profession at Cincinnati. With great questions involving moral issues crowding to the front, a man like Corwin could not remain silent, neither could a constituency, such as his, allow him to remain in private life. So we find him elected to Congress from a Republican district, composed of Warren, Clinton, Greene, Fayette and Madison counties. He was not in entire harmony with the Republican party. He had not yet reached the position of Lincoln and Seward on the slavery question. He favored prohibiting slavery in the territories, but he believed that they had a right to make a constitution for statehood permitting slavery if they saw fit.

His position was that "Congress having passed an enabling act permitting it [the territory] to make a constitution and set up for itself, could not consistently refuse it admission into the Union on account of a clause in its constitution, when we had in the Union fifteen states with similar constitutions. If we had no power to turn out states on that account, we should not

keep them out." This position was not a tenable one and was soon swept away in the aggressive fight against the extension of slavery which became a cardinal principle of the Republican party.

Again he was elected to Congress in 1858. He became chairman of the famous "Committee of Thirty-Three" appointed to devise some plan to stem secession and to provide for a peaceable settlement of the slavery question. All of its proceedings and recommendations were unavailing. This was due to the fact that it undertook to compromise a moral question; it was willing that slavery should exist and continue undisturbed, and even went so far as to recommend an amendment to the Constitution forever prohibiting the abolition of slavery or the enactment of legislation that would in any wise interfere with its maintenance. Corwin favored this compromise, and it is the one weak spot in his public career. He closed his term in Congress uneventfully, except that it was marred by the efforts of his great talents to perpetuate slavery.

On March 12, 1861, President Lincoln appointed him Minister to Mexico, which position he filled until 1864, when he returned to this country and took up the practice of his profession at Washington, D. C. He died there suddenly, December 18, 1865.

His unexpected death touched the nation and Ohio especially mourned. In the reception room of the Senate Chamber the great men of our country at that time, regardless of party, met to express their sorrow. Chief Justice Chase presided and said: "Great were his titles to honor won at the bar, in legislative halls and in executive session; but at this moment they seem

SAMUEL SHELLABARGER

Born in Clark county, Ohio, December 10, 1817; graduated from Miami University, 1841; admitted to the bar in 1846 and began practice in Springfield; elected to the Legislature, 1851; member of the thirty-seventh, thirty-ninth, fortieth, and forty-second congresses, and prominently identified with the reconstruction measures; appointed Minister to Portugal, 1869; resided during his latter years in Washington and held the office of Civil Service Commissioner; died August 6, 1896.

Samuel Shellabarger

Saml Shellabarger

insignificant in comparison with the admiration, love and veneration which gathered around him as a man." And Samuel Shellabarger, who was then a Representative in Congress, and who was at Corwin's side when he was stricken down, wrote this to the *Ohio State Journal:* "He, who had touched with the scepter of his imperial and god-like intellect, States, Nations, Peoples, Courts, Senators and Senates, made them all bow to the majesty of its power, was now touched—in his time—by the scepter of his Lord, and instantly bowed his head, and laid himself submissively down and died."

Chapter IV.

A REVIEW OF THE FORTIES, STATISTICAL AND HISTORICAL

THE mid-century census of 1850 showed the population of Ohio to be 1,980,329. In ten years the increase was 460,862, or 30.15 per cent. over that of 1840. The State still held the third rank in the Union, which it had reached ten years before.

The seventh census of the United States, while superficially a dry compilation, is one of interesting and informing facts concerning Ohio. Indeed we have here the material for accurate study which is far more reliable than the narrative conclusions of historians. A comparison of these statistics will teach an interesting lesson in sociological research.

The productiveness of a State is attained by the application of human labor. Therefore population is regarded by political economists as the first element of strength and wealth. Of course it may be qualified by degrees of intelligence and advancement; but after all the individual man is the principal source of power in a State. Population is migratory, and is attracted to this location or the other location by different advantages which are either moral, natural or political; and if nature or the quality of its manhood have really given any State or its country advantages, it will in a few years gather a great fruit by the increase and permanence of its population. In this respect Ohio ranks as one of the most remarkable instances of the growth of population and power which follow from good institutions and good laws. Up to the time of which we are now writing—1850—no State in the Union had made such progress in population as Ohio, and a comparison of the ratio of increase of other states, which

themselves were regarded in their time as very progressive, shows Ohio to have far exceeded them all. For instance, in the twenty years prior to the census of 1850 Virginia increased twenty per cent., New York fifty per cent., Pennsylvania eighty per cent., and Ohio one hundred and ten per cent.

In connection with the population of Ohio, it is interesting to consider its origin, and to observe from what states and countries the people came who constituted the State in 1850. There is a movement in population as certain as the Gulf Stream, and it is controlled by growth, migration and natural increase. The population of a State, especially in its early period, is in constant motion, flowing in and out, and out of this situation comes the growth which is derived from three different elements, viz., the foreign immigration, the domestic immigration, and the natural increase. From the aggregate of these three divisions must be subtracted the emigration from a State, and the net result is the existent population. It may appear strange, but it is nevertheless true, that notwithstanding the great volume of immigration to Ohio prior to 1850, there was also a very great emigration from the State at the same time. The census of this period shows that the people who had been born in Ohio and then living in other states were 296,453. This conclusion is arrived at by the tabulated statistics showing that according to this census there were living in the United States 1,515,885 persons who were born in Ohio, and that of these 1,219,432 were living within the State of Ohio in 1850, showing the emigration to be the difference as stated above.

The foreign population, that is, migrations from foreign countries, amounted to 218,512, principally derived, as will be seen, from the following countries: England, 25,660; Ireland, 51,562; Scotland, 5,232; Wales, 5,849; Germany, 111,257. But of course the greatest proportion of the non-native population of Ohio came from the other states of the Union. This contribution to Ohio's population forms an interesting study in historical statistics. Pennsylvania furnished 200,634, more than twice as many as any other State, and more than three times as many as all New England. Natives of the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut, living in Ohio, according to this census, numbered 66,032. Of these the states of Massachusetts and Connecticut furnished nearly two-thirds. But it will be observed that the chief immigration to Ohio came from other states in the East and South. The principal ones can be thus mentioned: New York, 83,979; New Jersey, 23,532; Maryland, 36,698; Virginia, 85,762; Kentucky, 13,824. The total number of natives of other states living in Ohio was 542,385. Seven states furnished approximately a half million of this immigration, in the following proportions: Pennsylvania added forty-three per cent.; Virginia, eighteen per cent.; New York, seventeen per cent.; New Jersey, five per cent.; Connecticut, five per cent.; Massachusetts, four per cent.; and Maryland, eight per cent. These seven states furnished eighty-seven per cent. of the domestic emigration from other states to Ohio in 1850.

Up to the period of the construction of canals and railroads, Ohio necessarily was an agricultural State; but we find a decided transition occurring between 1840 and 1850. We can see marked evidences of the transformation of a State purely agricultural to one of mixed industries, and at the same time there must be noted an enormous increase of agricultural products and values. We find the first indications in the increased number of males engaged in professions, occupations and trades. The census of 1850 shows these to number 530,792. And further we note that there were over ten thousand manufacturing establishments, employing a capital of more than thirty million dollars, turning out products valued at over sixty-two million dollars. Naturally this progress in manufacturing means the growth of cities. So we observe a marked increase in the urban population of Ohio during the forties. For example, taking thirty selected cities and towns, in 1840 there were in these 112,367 inhabitants, and in 1850 these same towns showed a population of 255,522. The population of the seven leading cities for the period referred to can be given as a fair example of the general trend of the people, already commenced at that early day:

	1840	1850
Cincinnati	46,338	115,436
Cleveland	6,071	17,034
Dayton	6,067	10,977
Columbus	6,487	17,882
Zanesville	5,141	10,355
Steubenville	4,247	6,140
Chillicothe	3,977	7,100

The country was keeping pace with the town, and while manufacturing was being developed, there was also a marked advance in agriculture. As evidence, the corn crop of 1850 was twenty-five million bushels more than it was in 1840. This was an increase of seventy-six per cent. There were produced fifteen million bushels of wheat more in 1850 than there were in 1840—an increase of nearly one hundred per cent. The increase of animal products—horses, mules, cattle, sheep and swine—was thirty-four per cent. in the same period.

The chief mineral staples of Ohio at this time were coal, iron and salt, and in the decade under review the mining of these natural products advanced more than any other branch of industry. Excepting gold and silver, mining is the last industry to be developed. The clearing of the forest and the tilling of the soil come first in order to sustain a people. Then come the coarser arts and manufactures to supply the tools of industry and household operations. But to the mining of minerals little attention is given until the community has supplied itself with the means of a comfortable subsistence. We therefore find that mining as a business had not really secured a good start until in the thirties. In 1840 the real progress commenced, and in the decade following, the mining of coal, iron and salt became very substantial industries and contributed much to the development of the State.

The greatest factor in the development of the iron industry of Ohio, and one which had an incalculable effect upon the wealth and growth of the State, occurred in August, 1846. This was the introduction of raw

coal as a furnace fuel in lieu of charcoal. The iron industry of Ohio began with the construction of the first blast furnace in Mahoning county, a few miles southeast of Youngstown, in 1806. Iron was first made there in 1808. It was of course a charcoal furnace and was capable of producing but two tons per day. This was the beginning of the immense iron interests of Ohio. From 1808 up to 1840, there were nineteen charcoal blast furnaces built in Ohio. Most of them were in the northern part of the State. Brush Creek Furnace, constructed in Adams county, in 1816, was the second furnace in the State, and the first built in Southern Ohio, but the discovery of the rich mineral deposits of the Hanging Rock region, located in Vinton, Jackson, Gallia, Lawrence and Scioto counties, gave a stimulus to iron factories which established it as a secure and profitable industry. The first furnace constructed in this region was Union Furnace in Lawrence county, in 1826. The growth in this section of the State can be appreciated when we find that the counties of Hocking, Vinton and Mahoning, which had no furnaces in 1840, in 1850 had fourteen.

In Northern Ohio before many years it began to be apparent that the destruction of timber for the purpose of obtaining charcoal would practically render iron smelting a thing of the past. There was a consequent embarrassment in the business that became serious. Ohio iron masters looked with considerable anxiety to a series of experiments that were being carried on during the summer of 1845 at Clay Furnace in Mercer county, Pennsylvania. They were successful,

and to this furnace can be given the credit of being the first in the United States to use raw coal for fuel. The event was heralded with joy by the furnace men in Ohio; and in August, 1846, Mahoning Furnace, at Lowellville, in Mahoning county, was the first furnace in Ohio that carried to practical success the new system. It gave a fresh impetus to iron manufacture and allayed painful doubts concerning its reliability.

The progress of the manufacture of iron between 1840 and 1850 can in a large degree be ascribed to the improvement in its method of production. The amount and progress of this important industry, as shown by the censuses, is as follows:

	Furnaces	Tons of Pig-Iron	Employes	Value
In 1840.....	19	25,959	1,257	$ 648,975
In 1850.....	35	52,658	2,415	1,255,850

The rapid increase of iron manufacturing in Ohio at this period was largely aided by the fact that a greater part of the iron region was also a coal area. While the coal was to be found in thirty-three counties, only sixteen counties, adjacent to the Ohio River or on railroads connecting with markets, mined coal as an article of commerce. In these counties the production and value were as follows:

	Bushels	Value
In 1840.....	297,350	$ 89,205
In 1850.....	550,350	132,293

The third staple mineral product that added to the wealth of Ohio was salt. It was produced early as an important factor of commerce and domestic life in Muskingum, Columbiana, Jackson and Gallia coun-

ties, and afterwards the counties of Meigs and Athens became great producers. The chief supply of salt for the pioneers of 1800 in Southern Ohio was the "Scioto Salt Works," in what is now Jackson county. To this point hundreds of settlers regularly repaired to secure a supply of the necessary article. It sold at the "Works" for two and three dollars a bushel, and after a journey of a hundred miles the purchaser sold it to his neighbors for seven dollars a bushel. By 1840, owing to the failure of the supply in other counties, Athens, Morgan and Meigs furnished the major portion of the salt made in Ohio. Pomeroy, in the last named county, was the location of a large production. The salt industry continued to grow until it rose from 297,350 bushels in 1840 to 550,350 bushels in 1850; and the value in that period increased from $89,205 to $132,293. As one of the essentials of domestic life it had an unfailing market, and by 1850 it was established as one of the most important industries of the State.

It was in this decade that the first through railroad from Lake Erie to Cincinnati was put in operation. The first railway incorporated in Ohio—the Mad River and Lake Erie—was constructed from Sandusky to Dayton by way of Springfield. Work was begun in 1835, and a portion of the road was in operation in 1839. The road was completed and operated in 1844. When the Little Miami Railway was built from Cincinnati to Springfield in 1846, both of these lines formed the first through railway from the Ohio River to Lake Erie, two hundred and eleven miles. This was the era when railroad building commenced in Ohio. In 1841

there were but thirty-six miles of railroad in the State, and until 1847 there was no extension by additional mileage. From this year however, the increase was steady, so that in 1850 there were two hundred and ninety-nine miles of railway in Ohio.

When General Wayne made the Greenville Treaty, August 3, 1795, the United States, in order to acquire the Indian cessions to about three-fourths of this State and a portion of Indiana, agreed to pay at once to the various interested tribes twenty thousand dollars in goods and nine thousand, five hundred dollars annually for five years. Large reservation tracts were also laid off for the various tribes on the Sandusky and Auglaize rivers and at Wapakoneta. Gradually, the Indians exchanged these reservations for territory in the West. The last of the Indian tribes to relinquish title to Ohio soil and to depart from its territory was the Wyandot. This tribe, by virtue of a treaty concluded at the foot of the Maumee Rapids, September 29, 1817, had been granted a reservation at Upper Sandusky. This was ceded to the United States, March 17, 1842. Colonel John Johnston was the Commissioner on behalf of the Government. The consideration of this cession was a reservation west of the Mississippi River. Thus was extinguished the last Indian title to Ohio, and to the credit of the Government it must be recorded that not a single square foot of land in this State was acquired from the Indians that was not fairly purchased by treaty and paid for.

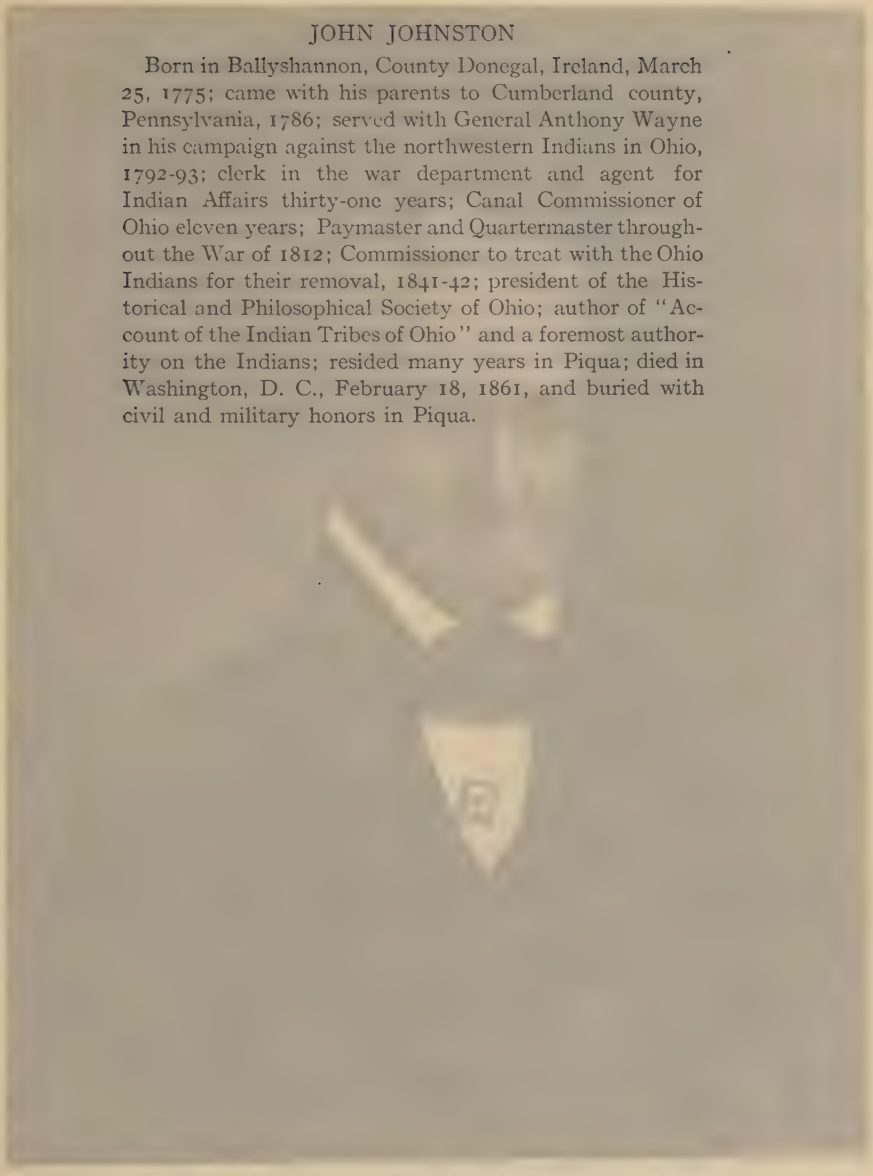
The removal of the Wyandots was a most pathetic and dramatic incident. For centuries their ancestors had occupied Ohio, and now they were to be sundered

from all the traditions of their race. In the transaction the Government treated them not only justly, but liberally. By the treaty terms it was stipulated that the chiefs should remove the tribe at an expense to the United States of not more than $10,000, one-half payable when the migration commenced and one-half when the destination was reached. It was also provided that for their land ceded, a tract of land west of the Mississippi was to be transferred to them, containing 148,000 acres; they were further allowed a permanent fund of five hundred dollars annually for educational purposes and an appropriation of twenty-three thousand dollars to pay the debts of the tribe. They were also paid in full the value of their improvement on the reservations ceded and were to be provided in their new home with two blacksmiths and a blacksmith's shop with the necessary steel, iron and tools, and also with an agent and an interpreter. This treaty was afterwards modified so that instead of the lands promised them, the Wyandots received by purchase from the Delawares 24,960 acres, and in place of the remainder of the 148,000 acres they were paid by the Government three hundred and eighty thousand dollars in three annual payments.

Colonel Johnston, who for many years had charge of the Indians in Ohio and who negotiated this treaty, has left us an interesting account of the transaction and the events leading up to it. "About 1800," says he, "this tribe contained two thousand, two hundred souls; and in March, 1842, when as Commissioner of the United States I concluded with them a treaty of cession and emigration, they had become

JOHN JOHNSTON

Born in Ballyshannon, County Donegal, Ireland, March 25, 1775; came with his parents to Cumberland county, Pennsylvania, 1786; served with General Anthony Wayne in his campaign against the northwestern Indians in Ohio, 1792-93; clerk in the war department and agent for Indian Affairs thirty-one years; Canal Commissioner of Ohio eleven years; Paymaster and Quartermaster throughout the War of 1812; Commissioner to treat with the Ohio Indians for their removal, 1841-42; president of the Historical and Philosophical Society of Ohio; author of "Account of the Indian Tribes of Ohio" and a foremost authority on the Indians; resided many years in Piqua; died in Washington, D. C., February 18, 1861, and buried with civil and military honors in Piqua.



John Johnston

educational purposes and an appropriation of twenty

tribe. They were also paid in full the value of their

improvement on the reservations ceded and

and tools, and also with an agent and an interpreter.

This treaty was afterwards modified so that instead of

the lands promised them, the Wyandots received by

purchase from the Delawares 24,960 acres, and in place

of the remainder of the 148,000 acres they were paid

dollars in three annual payments.

Colonel Johnston, who for many years had charge

left us an interesting account of the tran

the events leading up to it. "About 1

he, "this tribe contained two thousand, two hu

ber of the United States I concluded with them

ty of cession and emigration, they had becom

John Johnston.

reduced to less than eight hundred of all ages and both sexes. Before the Revolutionary War, a large portion of the Wyandots had embraced Christianity in the communion of the Roman Catholic Church. In the early part of my agency, Presbyterians had a mission among them at Lower Sandusky, under the care of the Rev. Joseph Badger. The War of 1812 broke up this benevolent enterprise. When peace was restored, the Methodists became the spiritual instructors of these Indians and continued in charge of them until their final removal westward of Missouri. The Mission had once been in a very prosperous condition, but of late years had greatly declined, many of the Indians having gone back to habits of intemperance and heathenism; a few continued steadfast to their Christian profession.

"Of this number was Grey Eyes, a regularly ordained minister of pure Wyandot blood, a holy, devoted and exemplary Christian. This man was resolutely opposed to the emigration of his people, and was against me at every step of a long and protracted negotiation of twelve months' continuance. I finally overcame all objections; on the last vote more than two-thirds of the whole male population were found to be in favor of removal. The preacher had always asserted that under no circumstances would he ever go westward. His age was about forty-eight years; his character forbade any approaches for tampering with him; and although I felt very sensibly his influence, yet I never addressed myself to him personally on the subject of the treaty. But as soon as the whole Nation in open council had voted to leave their country and seek a

new home far in the West, I sent an invitation to the preacher to come and dine with me and spend an evening in consultation; he came accordingly." Grey Eyes finally accepted the inevitable and accompanied his people.

The preparations for departure commenced in the spring of 1843 and the actual removal began the following July. Jacques, chief of the Wyandots, had made all the necessary arrangements. The final scenes at Upper Sandusky were full of affection and pathos. One of the Wyandot chieftains expressed in his own tongue in a pathetic poem the sentiment of his people. The translation of its last verse reads as follows:

"Adieu ye loved scenes, which bind me like chains;
Where on my grey pony I pranced o'er the plains.
The deer and the turkey I tracked in the snow,
But now must I leave all. Alas, must I go?
Sandusky, Tymocthee, and all their broad streams—
I ne'er more shall see you, except in my dreams."

It is to the credit of these original occupants of Ohio that their farewell to their native land was attended by a solemn appreciation of the event. Frequent councils in the council-house and religious worship in the mission church were held for weeks before their departure. Their dead, that had been buried in other counties in Ohio, were all brought home and solemnly reinterred in the little mission cemetery. All unmarked graves were honored with stone or marble tablets.

Finally, in the last hour, as the strange cavalcade was about to turn toward the setting sun, Grey Eyes,

for his people, bade an affectionate farewell to the large concourse of whites present. A local historian, from those who were present, has summarized and preserved his words. "He exhorted them to be good Christians, and to meet him in Heaven. In a most sublime and pathetic manner he discoursed upon all the familiar objects of a home—no longer theirs. He bade adieu to the Sandusky, on whose waters they had paddled their light bark canoes and in whose pools they had fished, laved and sported. He saluted in his farewell the forest and the plains of Sandusky, where he and his ancestors had hunted, roved and dwelt for many generations. He bade farewell to their habitations, where they had dwelt for many years and where they still wished to dwell. With mournful strains and plaintive voice he bade farewell to the graves of his ancestors, which now they were about to leave forever, probably to be encroached upon ere the lapse of many years by the avaricious tillage of some irreverent white man. Here, as a savage, untutored Indian, it is probable Grey Eyes would have stopped, but as a Christian he closed his valedictory by alluding to an object yet dearer to him; it was the church where they had worshiped, the temple of God, constructed by the good white men for their use, and within whose walls they had so often bowed down in reverence under the ministrations of Finley and his co-laborers."

When the last farewell was said the wagon train, the Indian chiefs on horseback and hundreds following on foot, began their long march. At the end of the first day they camped at Grass Point in Hardin county; the second night found them at Bellefontaine; the

third at Urbana; the fourth at Springfield, and on the seventh day they reached the wharf at Cincinnati. Here they took boats, and by way of the Ohio, Mississippi and Missouri rivers they reached their new home. The leading chiefs in the transplanting of the Wyandot Tribe were Jacques, Bearskin, Blue Jacket, Big Tree, Black Sheep, Big River, Bull Head, Big Town, Curly Head, Caryhoe, Chop-The-Logs, Lump-On-The-Head, Peacock, Porcupine, Providence, Split-The-Log, Stand-In-The-Water, White Wing, Mud Eater, Walpole, Squire Grey Eyes and William Walker.

While the tribe was moving toward Cincinnati the head-chief, Jacques, with some of the leading men of the Wyandots, called on Governor Shannon at Columbus. Farewell addresses were delivered, but that of the Wyandot Chieftain is worthy of reproduction. As printed in the *Ohio State Journal* (Columbus) at the time, it was as follows:

"We have several objects in view in visiting you, the Governor of the State. First, it was due him, as the Chief Magistrate of this great State; and secondly, it was due to the people of Ohio, to whom, through their Governor, we speak and bid them an affectionate farewell. We came here also, to ask for the extension of executive clemency to an unfortunate brother of our Nation, and we thank you for granting our prayer in his behalf.

"We part with the people of Ohio with feelings the more kind, because there has not been any hostility between your people and ours ever since the Treaty of General Wayne at Greenville. Almost fifty years of profound peace between us have passed away, and have

endeared your people to ours; whatever may be our future state beyond the Mississippi—whither we are bound,—we shall always entertain none but feelings the most kind and grateful toward the people of Ohio. Before Wayne's treaty, there had been one long war between our fathers and your ancestors. At that treaty our people promised peace and they have kept that promise faithfully; we will forever keep that promise as long as the sun shines and the rivers run.

"When we arrive at the place of our destination, surrounded, as we shall be, by red men, less acquainted with them than we are with white men, we shall always take pleasure in telling the Indians of that western region how kind, how peaceful, how true, faithful and honest your people have been to our people. If at any future day any of our people should visit this State, we hope that your people will see that they do not suffer for food or any of the necessaries of life; that when thirsty you will give him drink; when hungry you will give him food; when naked you will give him clothes; or sick, when you will heal him. And we on our part promise the same kindnesses to any of your people should they visit us in our far western future home. Our original intention was to pass through Columbus as a Nation on our departing journey from Ohio to the West; but for the purpose of shortening our route on so long a journey, the principal part of our people have passed through Urbana. But although, for the reason stated, our people have passed through Ohio by the shortest route, yet they could not forego

the pleasure of sending you their chiefs and addressing you, and through you the people of Ohio, in the language of truth, friendship and sincerity."

Thus passed away forever the last vestige of the red man in Ohio. It was no easy task to satisfactorily secure the acquiescence of these tribes in surrendering their birthright and in migrating to a distant country. One man alone is responsible for the accomplishment. This was the Indian Commissioner, Colonel John Johnston, a man who possessed all the dignity, justice and courage to manage the Ohio Indian, which he did successfully on behalf of the Government for over thirty years. To him the State of Ohio is indebted for the early settlement of its Indian difficulties so that it became a safe home of the pioneer. His long life was full of usefulness to his country and to his State. He served with General Wayne in his campaigns against the Indians in 1792, and was paymaster in the War of 1812. For eleven years he was a Canal Commissioner of the State of Ohio.

He was a keen observer and ready with the pen; he has left with us literary remains that reflect the conditions and traditions of the Indian races. He contributed much to the current literature of his day. His "Account of the Indian Tribes of Ohio" in the *American Antiquarian Society's Collections*, his contributions in the *Archæologia Americana*, and in *Cist's Miscellany* contain valuable information and experiences relating to the pioneer period. Colonel Johnston was president of the Historical and Philosophical Society of Ohio. He was born in Ballyshannon, Ireland, in 1775, and died at Washington, D. C., February 18, 1861. For fifty

years he was identified with Ohio, and during that period lived at or near Piqua, in Miami county.

A serious political complication occurred in the House of Representatives during the session of 1848-49. It created intense excitement throughout the State, and is illustrative of the close party contests in days gone by. The Legislature at the preceding session had passed an apportionment law which gave Hamilton county five representatives and divided the county into election districts. Eight wards of Cincinnati constituted the first election district, and the remainder of the county the second district. At the election in October, 1848, George E. Pugh and four others ran for representatives regardless of the division into election districts and received the highest number of votes in the entire county. Oliver M. Spencer and George W. Runyan, Whigs, had the highest number of votes in the first district. The canvassing board, consisting of Justices of the Peace, certified to the election of Spencer and Runyan; the Clerk of the Court of Common Pleas gave the certificate of election to Pugh and Pierce. Both parties claimed their seats. The Democrats adhered to the proposition that the Legislature could not constitutionally divide a county into districts for the election of members of the General Assembly.

At the opening of the session both parties were in the House at an early hour. The Democrats came earlier than the Whigs, and Benjamin F. Leiter took possession of the Speaker's chair. The Democrats arrayed themselves on the right side of the hall and the Whigs on the left. The latter were presided over by

Anselm T. Holcomb of Gallia county. Thus the contestants sat for weeks. The Democrats remained in session day and night in order to retain possession of the Speaker's chair. The only sound heard all that time of a legislative import was the wearisome and monotonous roll call of the counties from day to day, each side hoping to secure a quorum. The Democrats had sworn in forty members, including Pugh and Pierce of Hamilton county; the Whigs also swore in thirty-two members, including Spencer and Runyan. Neither party had a quorum, for under the Constitution of 1802 two-thirds of all the members constituted a quorum.

There were eight Free Soil members of the House, and they submitted a proposition, December 22d, looking to a settlement. It was agreed that the members whose titles were not in dispute should organize the House, and then the question of who were entitled to seats should be settled. This was done, and on January 3, 1849, the House organized by electing John G. Breslin, Speaker; on the 26th Pugh and Pierce were declared duly elected members.

At the following session a similar contest occurred in the Senate, and the same question, growing out of the division of Hamilton county, arose. The discussion and blockade of legislation lasted for seven weeks after December 3, 1849; the contested seat was given to the Democrats. Both of these contests were the occasion of much political bitterness, and very great earnestness and determination was displayed by both sides. Fortunately, the principle of submission to the forms

of law, which is the basis of all our institutions, carried the controversy to a peaceful, if not satisfactory, conclusion.

In this decade occurred several political events that marked the beginning of a new school of politics in Ohio. The opposition to slavery was fast displaying itself in the public sentiment of the State. It had already been manifested on the question of the annexation of Texas and on the Mexican War, but now events were about to occur which would show how strong was the anti-slavery sentiment in Ohio. Salmon P. Chase appeared in the political arena about this time, and drew curses from his pro-slavery enemies and admiration from his friends by his persistent anti-slavery agitation. The ostracizing legislation against the negro in Ohio prior to 1848 seemed to be a reflection of the Kentucky and Virginia slaveholders' ideas communicated in the early history of the State.

There were the following unjust laws on the statute books of Ohio:

A negro could not be a witness in court if a white man was a party in the case. If he was sued by a white man he could not testify in his own behalf.

No negro could settle in Ohio without furnishing a good bondsman guaranteeing, that he would not become a charge on the public.

No negro could vote, by reason of the constitutional provision of 1802.

The children of negroes were denied the benefit of the public schools, notwithstanding that the property of the negro was taxed equally with that of his white neighbors.

These were known as the "Black Laws," and they were black indeed in their injustice, for under them freedom in Ohio was but a step removed from slavery in Kentucky. The State of Ohio was rapidly becoming ashamed of these laws, which were really enacted in the beginning at the instance of the slaveholders of adjoining states. In his message of December 6, 1847, Governor William Bebb sounded the keynote of the Legislature. He said, after speaking of slavery, "Whilst upon this kindred subject I cannot forget that the Black Laws still disgrace our statute books. All I can do is earnestly to reiterate the recommendation for their unqualified repeal."

In the same session (1848-49) of the Legislature that occurred the legislative blockade and the heated contest over the seats of the Hamilton county members, these "Black Laws" were repealed. The bill was drawn by Salmon P. Chase, while at Columbus arguing a case before the Supreme Court, and was introduced by John F. Morse of Lake county. Following this important step came the election of Chase as United States Senator. The candidate of the Whigs was Thomas Ewing of Lancaster, while William Allen of Chillicothe was the choice of the Democrats. Many of the Free Soil members, headed by Mr. Morse, desired the nomination of Joshua R. Giddings, then, and long afterward, a strong anti-slavery congressman from Morse's district. Norton S. Townshend, another Free Soiler, advocated Chase's nomination.

The contest was between the friends and enemies of slavery, and the Free Soilers had but one object in view; that was, to advance the sentiment of free soil

and free speech. In fact, when Townshend was nominated by the Legislature he was instructed by his constituency "to act with any party, or against any party, as in his judgment the cause of Freedom should require." Townshend and Morse were Independent Free Soilers, that is, they had been elected over both Whig and Democratic candidates in their respective counties, hence they wielded free lances and held the balance of power. Among both Whigs and Democrats in the Legislature were men of anti-slavery views and tendencies. What the Free Soilers wanted was a United States Senator. And this is how they got it. Mr. Morse proposed to the Whig members that if they would help repeal the "Black Laws" and elect Joshua R. Giddings Senator, he (Morse) and his colleague Townshend, who acting together could control results, would vote to put Whigs on the Supreme Bench. On the other hand Dr. Townshend made the proposition to the Democrats that if they would help repeal the "Black Laws" and elect Chase Senator, he (Townshend) and his colleague Morse would vote for their candidates for Supreme Judges. These two propositions were made with a clear understanding between the two free lances. Both political parties were extremely anxious to have a majority in the Supreme Court, because it was supposed that political questions growing out of the Hamilton county contested seats would soon be before the Court.

Mr. Giddings was not acceptable to all the Whig members, and the Democrats accepted Dr. Townshend's proposition. The "Black Laws" were repealed, schools were provided for colored children, Salmon P. Chase was

elected United States Senator, and two Democratic judges were elected to the Supreme Bench. To this bargain and coalition Mr. Chase was not a party directly or indirectly. It was suggested, arranged and consummated by Messrs. Townshend and Morse, who of course were under no obligation to either Whigs or Democrats and were in the Legislature to do such things as "the cause of Freedom should require."

The Governors of Ohio from 1840 to 1850, aside from Thomas Corwin and Wilson Shannon, whose careers have already been recorded, were Thomas W. Bartley, Mordecai Bartley, William Bebb, and Seabury Ford. With the exception of the first named, they were all elected and served one term only. Thomas W. Bartley, being Speaker of the Senate when Governor Corwin resigned to accept the Mexican Mission, became Governor and acted as such for nine months in 1844. Governor Bartley afterwards was elected a Judge of the Supreme Court of Ohio and served two years. He finally removed to Washington, D. C., where he spent the remainder of his life in the practice of law. The Governor succeeding Thomas W. Bartley was his father, Mordecai Bartley, making the only instance in the history of the State where father and son filled that position.

Mordecai Bartley was born December 16, 1783, in Fayette county, Pennsylvania. He served in the War of 1812 as a captain of volunteers. In 1817 he was elected to the State Senate, and in 1823 to Congress, where he represented his constituency eight years. In 1844 he was a candidate for Governor, and was elected over David Tod. During the Mexican War he gave the

SEABURY FORD

Born in Cheshire, Connecticut, October 15, 1801, and came in boyhood with his parents to Burton, Geauga county, Ohio; was graduated from Yale and admitted to the bar; elected to the Legislature in 1835 and served six terms, being Speaker in 1840; elected to the State Senate, 1841; Governor, 1849-50; died in Burton, Ohio, May 8, 1855.

cause of Freedom should require."

The Governors of Ohio from 1840 to 1850, aside from Thomas Corwin and Wilson Shannon, whose careers have already been recorded, were Thomas W. Bartley, Mordecai Bartley, William Bebb, and Seabury Ford. With the exception of the first named, they were all elected and served one term only. Thomas W. Bartley, being Speaker of the Senate when Governor Corwin resigned to accept the Mexican Mission, became Governor and acted as such for nine months in 1844. Governor Bartley afterwards was elected a judge of the Supreme Court of Ohio and served [illegible]. He finally removed to Washington, D. C., where he spent the remainder of his life in the practice of law. The Governor succeeding Thomas W. Bartley was his father, Mordecai Bartley, making the only instance in the history of the State where father and son filled that position.

Mordecai Bartley was born December 16, 1781, in Fayette county, Pennsylvania. He served in the War of 1812 as a captain of volunteers. In 1817 he was elected to the State Senate, and in 1823 to Congress, where he represented his constituency eight years. In 1844 he was a candidate for Governor, and was elected over Elisha Tod. During the Mexican War he gave [illegible]

Government all the official support that he could, although personally he was opposed to the war. He died at Mansfield, October 10, 1870.

The parents of William Bebb came from Wales in 1795. He was born in Hamilton county in 1804. When twenty years of age he was teaching school at North Bend, Ohio, and resided at the home of General William H. Harrison. After his marriage, which occurred in 1824, he commenced to read law and was admitted to the bar in 1831. He moved to Hamilton, Ohio, and commenced the practice of law. He was elected Governor in 1846. After retiring from the governorship he devoted himself to land investments. In 1855 he visited Great Britain and formed a colonization company to settle upon a thousand acres of land in East Tennessee. The enterprising colony was scattered when the Civil War broke out, and Governor Bebb fled, leaving his furniture and property. After this he served as an Examiner in the Pension Department, to which he was appointed by President Lincoln. He returned to farming at his home in Illinois in 1866, where the rest of his life was spent in peace. He died October 23, 1873.

Seabury Ford's father was one of the early settlers on the Western Reserve. He came from Cheshire, Connecticut, where the future Governor was born in 1801. After passing through the boyhood of the pioneer youth of that day, his father sent him to Yale College, from which he graduated in 1825. He commenced to practice law in 1827. In 1835 he was sent to the Legislature from Geauga county and served for six terms. He was Speaker of the House in the session of 1840. In

1841 he was elected to the State Senate. He was chosen Governor in 1848. His official documents show him to have been a man of strong convictions and fearless in expressing them. On the 8th of May, 1855, he died at his home in Burton, Ohio.

Early in January, 1849, a bill to submit to the people the proposition of holding a Constitutional Convention was considered in the Legislature. It was discussed at some length in the Senate, the assertion being frequently made by its opponents that the people were not asking by petition or otherwise for an opportunity to vote on this proposition. The Whigs, as a rule, voted against the bill, but a number of them favored it. It failed to receive the required majority in the Senate. On March 23d, of the same year, another bill, containing a similar provision, passed both houses and a campaign for a new Constitution for Ohio was transferred to the electors of the State.

The most ardent and effective advocate of the revision of the Constitution was Samuel Medary of Columbus, editor of the *Ohio Statesman*. He was for many years one of the most active Democratic leaders of the State, and was a man of brilliant attainments, wielding a facile and aggressive pen. Not only did he advocate the holding of a Constitutional Convention through the columns of his paper, but on May 6, 1849, he commenced the publication of *The New Constitution*, a weekly magazine, octavo size, devoted entirely to the cause. This publication contained, in addition to the views of the editor, numerous and extended reports of opinions of the press throughout the State

favorable to the holding of a Convention. It can be said that probably no other agency exercised so great an influence in the canvass as did this magazine.

Its arguments in favor of the Convention were couched in strong and argumentative terms and it called to its aid some of the best political writers in the State. Its claims for a new Constitution can be summarized as follows:

1. That the first Constitution had been hastily and loosely drawn; that it had never been submitted to the people; that the State had outgrown the usefulness and limitations of that instrument.

2. That the judiciary system of the State should be thoroughly revised to the end that justice might be done without vexatious delay.

3. That the sessions of the General Assembly should be held biennially instead of annually.

4. That provision should be made requiring the General Assembly to refer every measure increasing the State debt to a vote of the people.

5. That State officers, including judges, should be elected by the people.

6. That corporations should be formed only under general laws.

The question of holding a Constitutional Convention was submitted to the voters of the State at the fall election in 1849, with the following results:

For the Convention	145,698
Against the Convention	51,161
Total vote cast at election	235,370

From this result it will be seen that 38,511 electors who went to the polls did not vote at all on the ques-

tion, but it was decided that a Constitutional Convention should be held, and for the second time in their history the people of Ohio, through their duly authorized agents, decided to frame a new organic law.

Chapter V.

THE SECOND CONSTITUTIONAL CONVENTION

THE act providing for the Second Constitutional Convention was passed by the General Assembly February 22, 1850. (Ohio Laws, XLVIII, 19.) According to its provisions the election for delegates was to be held on the first Monday in April following. The purpose of the Convention, as expressed in the act, was "To revise, amend or change the Constitution of the State." The Convention was to meet on the first Monday in May, 1850, and it was given the power to adjourn to such other place or places in the State as its members might see fit. It may be seen that the canvass for the selection of delegates was to be very brief, but owing to the fact that the question of the new Constitution had been discussed in the press and legislature for nearly three years prior to this time, the people of Ohio approached the polls with a very full intelligence of the question at issue.

According to the basis of representation, the Convention was to consist of one hundred and eight delegates. The result of the election was that the Democratic party controlled the Convention, there being sixty-eight Democrats, the balance being divided between the Whigs and Free Soilers. The Convention met in the hall of the House of Representatives at Columbus, on May 6, 1850. The delegates to the Convention had been elected on purely partisan lines. The Whigs occupied a rather non-committal position in regard to framing a new Constitution. Politically they were in their waning days and they felt there was no prospect of electing a majority in a representative body in Ohio. On the other hand, the movement for a new Constitu-

tion had been aggressively advocated by the Democratic party, and they felt that in a contest before the people the duty and honor of writing a new organic law for the State would be given to them, and the result at the polls was as they had anticipated.

We have read in former pages what Thomas Jefferson said to Jeremiah Morrow concerning the Constitution of 1802. It will be remembered that his remark was that that Convention "had legislated too much in their Constitution." And he specially criticised the manner in which the Convention had constructed the judiciary of the State. Mr. Jefferson was a wise and far-seeing statesman, and he has expressed in his writings that constitutions should contain general provisions, rather than detailed enactments. Under the Constitution of 1802 the Judges of the Supreme Court, the State officers and the associate judges of the various counties were appointed by the legislature. In other words, the judicial and executive departments of the State were subservient to the legislative. This brought on disgraceful confusion. The conflict between the legislature and the judiciary has been detailed in Volume III., Chapter V. of this work, and the reader has a distinct recollection of scandalous proceedings growing out of such a condition. Aside from the question of the subordination of the judiciary to the legislature, a practical condition of affairs arose that called with equal force for a modification of the judicial system. Under the old Constitution, the Supreme Court was composed of three members; the legislature could increase this to four, after a certain period. The judges held court in each county once a year. The result was, as the

State increased in population and business, it became a physical impossibility for the judges to attend court in all the counties of the State. As early as 1847, when there was agitation in the General Assembly for a new Constitution, this was thoroughly discussed. In a speech delivered January 16, 1847, Clement L. Vallandigham, who hereafter appears in these pages as a conspicuous figure, then a member of the House of Representatives, referring to the condition of the judicial system, said:

"Now the number of counties—and they are rapidly increasing—is eighty-two; so that these four judges are required to hold no less than eighty-two separate courts in each and every year, flying for that purpose over the whole vast territory of Ohio. * * * Only think, Sir, of your Supreme Court, the last depositor of the tremendous powers and possibilities of the judiciary, turned into a flying express and running a tilt against the wind on a trial of speed; to-day at Cleveland on the lake, hanging a man by the neck until he is dead; to-morrow at Cincinnati consigning some hapless wretch to the ignominy and horrors of the penitentiary, or ejecting an unlucky suitor in that great city from a homestead worth millions, on which he spent the most valuable part of a lifetime."

This sentiment to revise the judicial system, the evils of which were so graphically described by Mr. Vallandigham, was shared in not only by the unanimous body of the lawyers of the State, but it had the support of a united press. It was one of the most powerful factors in carrying the question of the new Constitution at the polls.

Another important question that was raised in this day was that of the public debt. In this the people of the State generally manifested a deep interest. The State was badly in debt. It was largely the result of the construction of the vast system of public improvements carried on in the thirties and forties. The canals of the State had cost over fifteen million dollars. The State had subscribed for stock in railroads, turnpikes, plank roads and private canals. The result was that about this time the State of Ohio owed nearly twenty millions of dollars, the interest of which, almost a million dollars a year, was paid to foreign bond holders and foreign creditors. There was no guarantee to the people that this debt would not be increased. They knew that it could be, because there was no limit upon the power of the General Assembly to run the State into debt. Therefore, there grew up another popular argument for a new Constitution. A writer of that day expressed the general opinion as follows:

"A revision of the present Constitution with a view to its alteration so as to entirely prohibit the legislature from hereafter engaging in schemes of internal improvement, cannot be too strenuously urged upon the people. No one at this present day will for a moment pretend that the legislature ever had an express constitutional authority for entering into such a scheme. If it is necessary and proper that improvements, such as canals and railroads, should be made in the State, individual capital and enterprise will make them if they are profitable."

A third strong objection to the old Constitution, and one which had a great influence in securing the new,

WILLIAM MEDILL

From a painting by John Henry Witt in the Capitol in Columbus.

Born in Newcastle county, Delaware, 1801; was graduated from Delaware College, removed to Ohio, and was admitted to the bar; elected to the Legislature from Fairfield county, 1835, and twice served as Speaker of the House; member of Congress, 1839–43; assistant Postmaster-General and Commissioner of Indian Affairs under Polk; president of the Consitutional Convention of 1850; Lieutenant Governor of Ohio, 1852-53, and Governor, 1854-55; first Comptroller of the Treasury, 1857; died at Lancaster, Ohio, September 2, 1865.

millions of dollars, the interest of which, almost
dollars a year, was paid to foreign bond holders
foreign creditors. There was no guarantee to
that this debt would not be increased.
that it could be, because there was no l
ment. Therefore, there grew up another popular
argument for a new Constitution. A writer of that day
expressed the general opinion as follows:

"A revision of the present Constitution wit
to its alteration so as to entirely prevent the l
men hereafter engaging in schemes of internal
ment, cannot be too strenuously urged upon the
one at this present day will for a moment preten
necessity for entering into such a scheme. If it i
and railroads, should be made by the State, individua
capital and enterprise will make them if they ar
practicable."

A third strong objection to the old Constitution, a
one which had a great influence in securing the new

was the fact that with the exception of the Governor, all the State officials were appointed by the legislature. Notwithstanding that the Constitution of 1802 was the creature of Thomas Jefferson and the Democratic-Republican party, the people were not given therein the right to select these officials. The result was, as time demonstrated, the legislature, as the sole appointing power, abused it shamefully. Supreme judges were made the subject of political barter, and State officials were selected without reference to the wishes of the people, but as a result of legislative log rolling and trading. The election of State officers, under the old Constitution, met all the demands of the modern advocate of a "short ballot," as the Governor was the only one voted for.

Other objections might be enumerated in detail, but these mentioned were the controlling ones in calling for a new Constitution.

The Convention which framed the Constitution of 1851 was filled with men of representative character and ability. The president of the Convention was William Medill of Fairfield county. He was at this time one of the prominent Democrats of the State. He had served in the General Assembly as Speaker of the House of Representatives for two terms. In 1839 he was in Congress from the Fairfield district, and served two terms. He was Assistant Postmaster General and Commissioner of Indian Affairs under President Polk; so that when he entered the Constitutional Convention and was elected its president he brought with him a wide and ripe experience in public affairs. After the Constitution which he had helped

to frame had been adopted, he was elected the first Governor thereunder, and after his service in State affairs, in 1857, he became the first Comptroller of the Treasury. Throughout his entire official and private life he showed himself to be a man of great worth and character. He died at Lancaster, September 2, 1865.

As we read the rolls of the Convention, we meet the names of men who were great then, and many who became great since. The people of Ohio have always recognized that constitutional conventions call for the presence of their best men. It is not impertinent, in the consideration of this Convention and its work, to review some of these characters, because they are part of the great work in which they engaged, and we can find some reason when we know them for the permanent and valuable character of the organic law which they created.

The oldest member of the Convention was the venerable jurist, Judge Peter Hitchcock of Geauga county. He was born in Connecticut, October 19, 1781 came to Ohio in 1806, and devoted his early years to teaching school, practicing law and farming. He was a member of the legislature from 1810 to 1814. In the fall of 1816 he was elected to Congress, and before he concluded his first term he was elected by the General Assembly as a Judge of the Supreme Court for seven years, and reëlected for a similar term in February, 1826. On the expiration of his term as judge, in 1833, he was elected to the State Senate, and reëlected in 1835. In the latter year he was again chosen a Judge of the Supreme Court, where he served the usual term of seven years. After an interval of three years

he again returned to the bench. He was one of the most influential members of the Constitutional Convention, and had much to do with framing the judicial article of the new Constitution. He died at Painesville, Ohio, March 4, 1854.

Trumbull county sent Rufus P. Ranney, one of the ablest lawyers Ohio ever produced. He was one of the early settlers in the Western Reserve. Born in Massachusetts, October 30, 1813, he came to Ohio with his father eleven years later. The family settled in Portage county. He graduated from the Western Reserve College in 1834, studied law with Joshua R. Giddings and Benjamin F. Wade and was admitted to the bar in 1836. In the Constitutional Convention he served on the judiciary committee. He was looked upon as a lawyer of profound ability and fine reasoning power. In 1851 he was elected Judge of the Supreme Court to fill a vacancy, and in October of the same year he was elected to the same position. In 1859 he was nominated for Governor, but was defeated by William Dennison, the Republican candidate. In 1862 he was again elected Judge of the Supreme Court, but resigned after three years, returning to his profession, which he practiced with great success until his death.

There were other eminent lawyers in that convention. Franklin county was represented by Judge Joseph R. Swan and Henry Stanbery. The former was at that time considered one of the ablest lawyers of the State. In 1854 he was elected Judge of the Supreme Court, and was refused a renomination by his party because of his correct and courageous, but unpopular, opinion on the "Fugitive Slave Law." He wrote "Swan's

Treatise," the most popular and widely circulated work in the legal literature of Ohio, and to this day a familiar and indispensable guide for justices of the peace.

Henry Stanbery was a scholarly lawyer of Columbus. He was born in New York City in 1803, educated at Washington College, Pennsylvania, and admitted to the bar in 1824. In 1846 he became the first Attorney General of Ohio. Twenty years after he was appointed Attorney General in the Cabinet of Andrew Johnson. This position he resigned to act as counsel for the President at his impeachment trial.

Another able member of the Convention was Josiah Scott of Harrison county. He was elected a Judge of the Supreme Court under the new Constitution in 1856, and served until 1873. He was afterwards a member of the Supreme Court Commission.

William S. Groesbeck was a delegate from Hamilton county, and did much in framing the Constitution. The records show that he manifested great interest in his work. For all his life he ranked high at the bar. He served in Congress from 1857 to 1859, was a member of the Peace Congress in 1861, and was one of the counsel for President Johnson in the impeachment trial.

Gallia county was represented by Simeon Nash, since recognized as an authoritative writer on legal subjects. He was a thoughtful student and participated much in the work of the Convention. He had served in the State Senate in 1841-43. He was elected Judge of the Court of Common Pleas in his district in 1852, serving ten years. As a legal writer he was known to the lawyers of the past generation as the

author of "Nash's Pleadings," as well as a "Digest of Ohio Reports." He also wrote "Morality and the State," and "Crime and the Family."

From Richland county came Samuel J. Kirkwood, who had been its prosecuting attorney from 1845 to 1849. He took a conspicuous part in the debates of the Convention, and took special interest in the article on the judiciary. Shortly after his service in this body, he removed to Iowa and was elected Governor of that State in 1859, and reëlected in 1861. As a patriotic friend of the Union he was instrumental in raising fifty regiments without draft in Iowa. In 1866 he was elected United States Senator; in 1875 he was elected for the third time Governor. In 1876 he was again elected United States Senator, serving until 1881, when he resigned to enter the cabinet of President Garfield, as Secretary of the Interior. He died at Iowa City, September 1, 1894.

Charles Reemelin, the only German in the Convention, was one of the delegates from Cincinnati. He was a student of political economy, an able man, and was recognized as one of the most influential members of the Convention. He was of a decided literary turn of mind and wrote many scientific and philosophic articles for the magazines and newspapers. As a student he had no superior in the Convention. In the debates he participated when important questions were before the body. His remarks and speeches on the question of church taxation, banks and currency, special privileges and other important questions, indicate his ability.

Another member of the Convention who was noted principally for his literary qualifications, was Otway Curry, from Union county. He took little part in the debates, his remarks being principally confined to the subjects of temperance and education. Otway Curry enjoyed a reputation in his time among the first of the poets and literary men of Ohio. With William D. Gallagher he edited *The Hesperian*, a monthly literary journal of a high order of talent. It still ranks as among the best of the past intellectual productions of Ohio.

Ex-Governor Joseph Vance was a delegate from Champaign county. Prior to his election as Governor, which was in 1836, he had served both in the General Assembly and in Congress, and after his gubernatorial term had expired he again served a term in each of those bodies. While attending the Convention in 1850 he was stricken with paralysis, from which his death eventually resulted in 1856.

From this collection of men, noted before and subsequently, to their service in the Convention, an idea may be obtained of the controlling spirits that directed the movements of that day. It is not uninteresting to note further certain characteristics and facts connected with the members of this Convention. From the published rolls of the proceedings of the Convention, we are informed that there were in that body forty-three lawyers, thirty farmers, eight physicians, six merchants, six editors, four surveyors, three printers, two blacksmiths and three carpenters. This authority also gives the birthplace of thirty as being in Ohio, twenty-five in Pennsylvania, ten in Connecticut, nine in New

York, eight in Virginia, five in Massachusetts, four in Maryland, three in Kentucky, three in Vermont, two in New Hampshire and one each in several other states. Recurring to the analysis of the population of Ohio, as shown by the seventh census, referred to in the last chapter, we can see that the same states that furnished the largest population to Ohio, also furnished the largest proportion of members to the Constitutional Convention. It is also recorded that only four members of the Convention were of foreign birth; two of these were born in England, one in Ireland and one in Germany. And finally, this official table informs us that one hundred members of this Convention were married and eight were single; and as to age, four were under thirty years, thirty-one under forty, seventy-seven over forty, and eight over sixty years of age.

The work of the Convention was done principally through its eighteen standing committees, appointed by the President of the Convention. It is not the purpose in this work to undertake a recitation of the detailed labors of this Convention, or to make a comparison between the result of its work and that of the First Constitutional Convention, but it will be instructive to cursorily refer to some of the more important propositions before the Convention.

It is needless to say that the reformation of the judiciary was the subject of very earnest and intelligent debate, and when we consider that those who had this subject in hand were among the very best lawyers that the State of Ohio ever produced, we know that it was discussed with great learning and ability. The regulation of corporations was one of the important

issues of the Convention. The special chartering of such, as provided in the old Constitution, was abandoned, and the following provision was fixed as to the method of dealing with corporations in the future:

"The General Assembly shall pass no special acts conferring corporate powers. Corporations may be formed under general laws; but all such laws may from time to time be repealed."

There can be no question but that this provision was in direct response to an overwhelming public sentiment in the State.

The regulation of the liquor traffic, then as now a serious question, was given much consideration by the Convention. There was a growing temperance sentiment in the State against the business, and there were numerous petitions presented protesting against the license of the sale of intoxicating liquors. The Convention, however, decided to relegate the question to the people, and it submitted separately the following proposition, which was adopted by a popular vote and which became a part of the Constitution:

"No license to traffic in intoxicating liquors shall hereafter be granted in this State; but the General Assembly may by law provide against the evils resulting therefrom."

The popular demand for the election by the people of the State officers was of course fully provided for in the instrument.

The anti-slavery sentiment in Ohio was commencing to develop, and it was but natural that it should appear in this Convention. We consequently find a number of petitions from citizens of Ohio, praying that negroes

within the State should be given the right of suffrage. There were also petitions representing another sentiment. These asked the Convention to prohibit colored people from entering the State. A petition of this sort was received from Dr. Daniel Drake of Cincinnati, one of the pioneers of that city.

The petitions in behalf of the negro came from Central and Northeastern Ohio, while those against him were from the river counties. This situation was explained in a speech by Mr. Sawyer of Auglaize county, on the subject involving the negro question. Said he, "If you will look at the statistics furnished by the recent census, you will find that in those counties of this State where Abolitionism or Free Soilism predominates there are the fewest negroes. It is in the southern counties, bordering on Kentucky, where there is the largest proportion of negroes and mulattoes; and those counties are the least friendly to provisions for the encouragement of their immigration or remaining in the State. Either the negroes do not know their friends, or else they will not go to them."

In the light of the political condition of the times, the Fugitive Slave Law being one of the great issues between the Whig and Democratic parties, it was not to be expected that there would be any favorable anti-slavery sentiments injected into the new Constitution. All that the black man got out of this Convention and into the new Constitution of Ohio, was the right to be considered in determining the ratio of apportionment for members of the General Assembly. He was given the privilege of standing up and being counted.

The result of the labors of the Convention was not a mere revision of the old Constitution, but it was a proposition to adopt an entirely new instrument. That it was the work of a body that was faithful and conscientious in the discharge of its duty, is not to be doubted, and the fact that it was adopted by the people, and has been held intact, with the exception of special amendments, to this day is a monument to the ability and integrity of the Second Constitutional Convention.

On July 9, 1850, the Convention adjourned because of the cholera epidemic, and met in Cincinnati September 2d, where it continued its labors until March 10, 1851, when it adjourned *sine die*. The life of the Convention was one hundred and fifty days, one hundred and thirty-five of which were spent in actual session. The expense to the State was $95,364.29.

The new Constitution was submitted to a vote of the people at a special election held June 17, 1851; it was adopted by a vote of 125,564 in its favor, to 109,276 against its adoption, a majority of 16,288. The proposal to prohibit the license of the sale of intoxicating liquors carried by a vote of 113,237 to 104,255, being a majority of 8,982.

Thus the people of Ohio adopted for the second time a fundamental law for their State.

Chapter VI.

THE ANTI-SLAVERY MOVEMENT IN OHIO THE UNDERGROUND RAILROAD ORGANIZATION OF THE REPUBLICAN PARTY

THERE never was any sentiment in favor of establishing slavery in Ohio. The Ordinance of 1787 prohibited this, and that fact attracted a population that was favorable to free labor. The New England element, the settlers from Pennsylvania, New York and New Jersey, and even the Virginians and Marylanders were all opposed to the "peculiar institution" of the South. Many of the latter class left their states to get away from the surroundings of slaves; Edward Tiffin, Thomas Worthington and others manumitted their slaves before their migration to the north of the Ohio River. Indeed there was a very aggressive opposition to the least toleration of slave labor in Ohio, which was very different from the sentiment in Illinois and Indiana. In those territories there were persistent efforts made to retain slavery in some form.

Notwithstanding this antipathy to slavery on the part of the people of Ohio, the feeling also existed that they did not want the negro within their borders. They did not object to slavery, apparently, except within their own State. Indeed, it was a free expression that slavery in the South was a good thing for the people of Ohio, but they wanted it kept there, and they wanted the slaves to be confined within their own slave territory. That quaint historian, Caleb Atwater, in "A History of the State of Ohio" (1838), expressed himself as follows:

"As a State, it is our interest, in Ohio, to have slavery continued in the slave holding states, for a century yet, otherwise our growth would be checked. The broad and deep streams of wealth, numbers, enterprise,

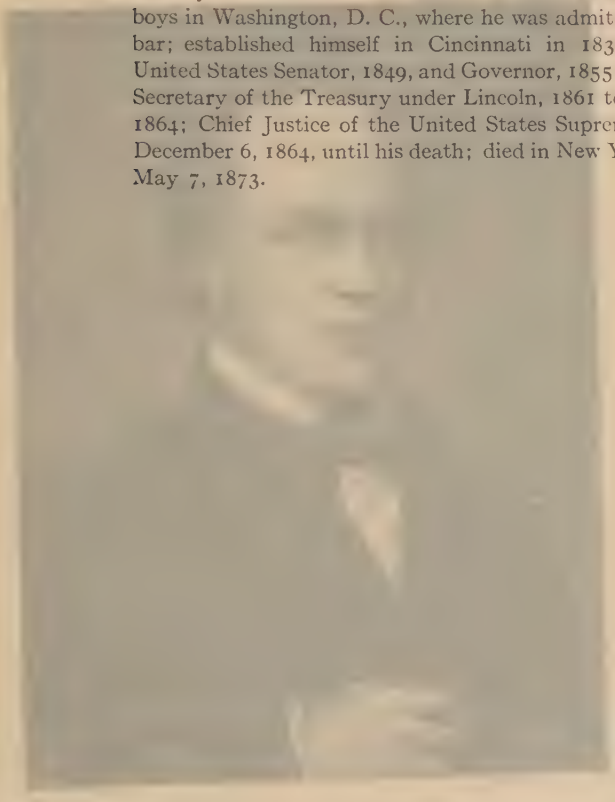
youth, vigor, and the very life blood of the slave holding states, now rolling into Ohio like mighty floods, would be stayed, and even rolled back to their sources, rendering those states not merely our equals, but even our superiors, in numbers, wealth and political power. No, we have adopted a policy which, for a century yet, requires slavery in the states south of us to be continued until they become desert (that is none of our business), while we have twelve millions of people of Ohio; until, indeed, this whole State becomes one vast lovely paradise, all cultivated; intersected everywhere by roads and canals; covered with cities and their splendid homes. No; let slavery be continued where it is during the next century at least."

This remarkable statement, deliberately penned by the first historian of the State, represents the utilitarian views advocated by some regarding slavery. It will explain in a large degree the treatment accorded the negro in the early history of the State, and will account for what are known as the "Black Laws." At about the time the State was admitted to the Union the number of colored people in Ohio was quite insignificant; the census of 1800 showed that they numbered but three hundred and thirty-seven. It was determined that this number should not be increased if legislation could prevent it. Accordingly we find among the very first acts of this State one requiring negroes and mulattoes before settling herein to present a certificate of freedom from some court in the United States. Those that resided here were required to register within a certain time, and anybody who employed a colored person without a certificate of freedom was subject to a fine and a further

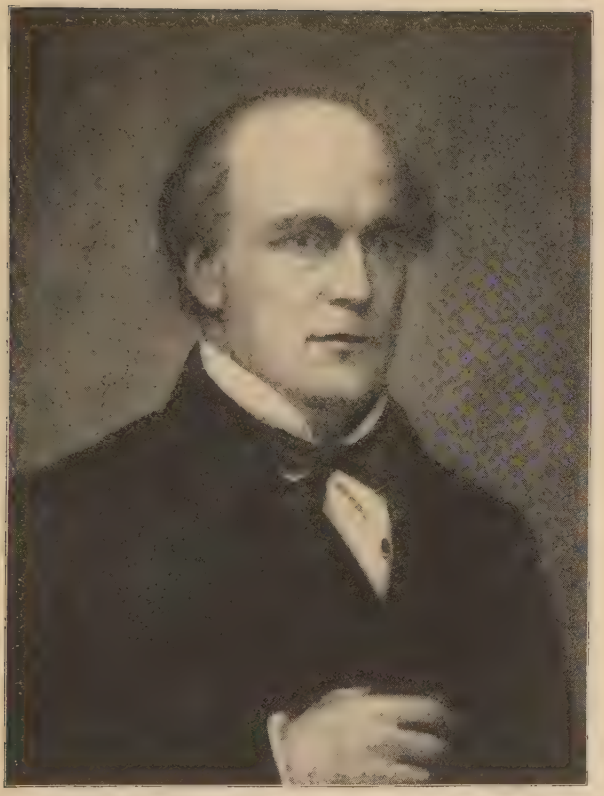
SALMON PORTLAND CHASE

From a painting by W. Cogswell in the Capitol in Columbus.

Born in Cornish, New Hampshire, January 13, 1808; was graduated from Dartmouth College, 1826, and for some years afterward conducted a classical school for boys in Washington, D. C., where he was admitted to the bar; established himself in Cincinnati in 1830; elected United States Senator, 1849, and Governor, 1855 and 1857; Secretary of the Treasury under Lincoln, 1861 to June 30, 1864; Chief Justice of the United States Supreme Court, December 6, 1864, until his death; died in New York City, May 7, 1873.



number of colored people in Ohio was quite insignifi-
the census of 1800 showed that they numbered but
number should not be increased if legislation could
this State one requiring negroes and mulattoes before
ering herein to present a certificate of freedom from
court in the United States. Those that resided
were required to register within a certain time, and
body who employed a colored person without a cer-
ate of freedom was subject to a fine and a further



payment of fifty cents per day to the master of the slave, if he proved to be a slave, for the services performed. Aiding fugitives to escape was made subject to a very heavy fine. The vote on this bill is indicative of the interest displayed by the different sections of the State; for instance, those counties in the northern and eastern part of Ohio voted against the law, while the representatives from the southern counties, along the Ohio River, voted for it.

This division of sentiment can be readily understood when we recollect certain facts. Ohio's long southern boundary came in contact with exclusively slave territory. It confronted Kentucky for over a hundred and fifty miles, and Virginia for about two hundred and twenty-five miles. These counties regarded slaves, or even "free people of color," as "undesirable citizens." They had no use for them whatever in any capacity, save and except, possibly, as they might be able to serve them with labor, and for this they were willing to pay. And it is a singular fact that it was not an uncommon occurrence for the masters in Kentucky and Virginia to hire their slaves across the Ohio River for service among the very people who were objecting to the free colored man within their midst.

In 1807 the law against the negro or mulatto was made more stringent, and in order to settle in Ohio he had to give a bond of five hundred dollars, signed by two freeholders, guaranteeing that he would not become a county charge, and that he would behave himself within the law. This and other features of legislation, which were enforced for many years afterward, pressed very hard upon the black man. The

main objection to the colored man in Ohio at that time, and it was especially urged by the people bordering on the Ohio River, was that he was shiftless, worthless and criminal. In 1829 we find Cincinnati in a grave condition of excitement, ordering every negro and mulatto, who had not furnished bond, to leave the city within thirty days. The unfortunate colored man knew not where to turn; south of him he was confronted with the horrors of slavery, and he naturally turned his eyes to the North.

Canada had already become a Mecca both for the free colored man and the fugitive slave; accordingly, a committee of colored people called on the Governor of Canada to know whether they would be given protection if they migrated there. The answer of the Governor was after the decision of Lord Mansfield, who had said that a slave could not breathe on British soil, that the very air of Great Britain made him free; and the negro committee was assured that if they moved to Canada they would receive the same treatment as British subjects.

Before this committee returned to Cincinnati the time given to their brethren in that city to leave had expired, and those who had not complied with the law were subjected to the violence of mobs which reigned supreme in the city for several days. Although appealed to for protection by the negro, the city officials refused to do the slightest to restrain the infuriated friends of liberty. About half of the colored people of Cincinnati, under this demonstration of citizens of the "land of the free," removed to Canada and estab-

lished a permanent settlement, where they lived in equality before the law and in peace with their fellow citizens.

This action of Cincinnati received the hearty approval of its "decent" and "respectable" citizenship, and even Judge Burnet, as great a lawyer and patriot as he was, heartily approved these "Black Laws"; that he was a leading Whig did not seem to affect his judgment in this matter. While he and others were opposed to slavery, they were as positively and steadfastly opposed to the presence of the negro in their community. They were even opposed to his employment in servile labor, and the trades associations of the city were not permitted to teach a negro a trade. Wherever the black man turned, he was refused employment, and if any man was just or courageous enough to hire him, he had a strike on his hands by other workmen. Of course there was opposition to this legislation on the part of many good citizens of the State, and efforts were made in 1839 to secure the repeal of these unjust laws, but in vain and with the same result so far as votes in the legislature were concerned. Those in the northern part of the State voted in favor of their repeal, while those in the southern portion of the State voted solidly against it. The latter claimed that they knew by experience the danger and undesirability of the negro's presence, while the people in the North who rarely met the black man were the most favorable to his being treated with justice.

It must not be inferred that the only view point of slavery and the black man, assumed by the people of Ohio, was that relating to its business or social side.

There was a very pronounced element in the State, not only opposed to slavery but in favor of the amelioration and elevation of the black man, whether slave or free. These people acted from moral convictions. They believed that they owed something to their unfortunate black brother, and consequently, we find them planting seed that afterward furnished the causes for the greatest war in history. The strongest influence in this direction was the Quakers, who had settlements in the central and southeastern parts of Ohio. Most of them came from North Carolina and in some instances they brought with them free people of color. They did more to inaugurate the great movement that culminated in the abolition of slavery than any other body of men and women in the United States.

The first newspaper in the United States advocating the abolition of slavery, was published by a Quaker, Charles Osborn, at Mount Pleasant, Ohio, in 1817. He was born in North Carolina, and when he arrived at manhood traveled over the South, advocating the abolition of slavery. He came to Ohio in 1816 and in the following year published the first number of the *Philanthropist.* Mount Pleasant was a thriving industrial center of eastern Ohio at this time. It was the home of several cultivated men, and it was there that the first abolition society in Ohio was organized, and among the members of this society was Charles Hammond, who was a great lawyer at this time, and who afterward became editor of the *Ohio Federalist* at St. Clairsville and of *The Gazette* at Cincinnati.

The originator of this society was Benjamin Lundy, to whom must be credited, more than any single man in

American history, the gigantic moral movement against slavery which preceded the Civil War, and which did more than any other one thing to arouse the American people to a sense of the injustice of slavery. Benjamin Lundy organized the Union Humane Society in 1815, the purpose of which was to agitate anti-slavery sentiments. He says in his writings, "I had lamented the sad condition of the slave. I called a few friends together and unbosomed my feelings to them. The result was the organization of an anti-slavery association, called the Union Humane Society." In addition to those mentioned, one of the chief spirits of this association was William Cooper Howells, father of the American novelist, William Dean Howells.

Lundy was for a while agent for Osborn's journal, *The Philanthropist.* He lived at St. Clairsville, Ohio, until 1821, when he moved to Mount Pleasant, where he began the publication of *The Genius of Universal Emancipation.* It immediately acquired a widespread circulation throughout the country, and Benjamin Lundy became the first real effective force in the promotion of the abolition sentiment throughout the United States. When he commenced his agitation William Lloyd Garrison was but a boy, and it is to Lundy that Garrison in after years gave credit for enlisting him in the cause of freedom. The anti-slavery sentiment in Ohio continued to develop from the humble association established by Benjamin Lundy, so that in 1837 there were two hundred and thirteen anti-slavery societies in this State, with 17,253 members.

In 1835 there came to Ohio from Kentucky an abolitionist of the same type as Benjamin Lundy, full of courage and conviction and armed with the most dangerous weapon of those times—a newspaper. This was James G. Birney. He was a man of fine attainments, had spent a great portion of his life in Alabama as a cotton planter, and was a member of the first legislature of that State which assembled under the Constitution of 1819. He procured the enactment in 1827 by the Alabama legislature of a statute prohibiting the importation of slaves into that State for sale or hire. He was a powerful factor in the southern states in creating sentiment against slavery. In 1835 he commenced the publication of an anti-slavery paper at Danville, Kentucky, but was driven out by a mob. He removed to Cincinnati, where he was met by a bitterly opposing public sentiment. He was notified that if he attempted to publish his paper the city authorities would not be able to protect him or his property against violence.

At a public meeting in January, 1836, the business men of Cincinnati determined to suppress anti-slavery agitation. A committee of twelve was appointed to argue with Birney and to endeavor to dissuade him from publishing an abolition paper. This committee was composed of prominent Whigs and Democrats, among whom was Judge Burnet. Birney met all opposition with courage and made his fight for the freedom of the press. On January 22, 1836, the mob assembled at the courthouse, bent on the destruction of his property and personal injury. The authorities timidly notified him that they could afford him no

protection, but he exhibited great personal courage, firmness and judgment by attending the meeting, obtaining leave to speak and defeating the object of the mob. Later, however, in July of this year, the mob finally won; at a great meeting of citizens held at the Lower Market House, a committee was appointed to request the executive committee of the anti-slavery society to stop the publication of *The Philanthropist*, Birney's paper. They refused, and on Saturday night, July 30, a local historian records, "A large party, composed, like the aforesaid meeting, namely, from the more respectable classes in the city and of young men, gathered on the corner of Main and Seventh streets, held a short consultation, then marched down to the office, only two squares distant, effected an entrance, seized the press and material, carried them out in part, scattered the type in the street, smashed the press, and completely dismantled the office. Part of the press was dragged down Main Street and thrown into the river." The mob visited the dwelling of Birney, making noisy demonstrations but doing no mischief. They then turned to the office of *The Gazette*, edited by Charles Hammond, who was also a vigorous defender of free speech and opposed to slavery. These proceedings were severely condemned at a meeting held afterwards, at which such distinguished Cincinnatians as E. D. Mansfield, Salmon P. Chase, Charles Hammond and William M. Corry denounced the proceedings of the mob.

Even as of old "the blood of the martyrs was the seed of the church," so these ferocious attacks upon free speech gave additional impetus to abolitionism,

and influences soon began to operate that proved most effective agencies in the anti-slavery movement. This factor was the churches. Slavery had now rapidly assumed the form, to many of the religiously inclined people, of a moral atrocity, and they were not satisfied to sit by quietly and allow it to work out its destiny in the southern states alone. A novel and powerful means was finally inaugurated to promote freedom and rescue slaves from their masters. For many years there had been surreptitious assistance given to fugitive slaves in their flight from their masters to some place of freedom. The fact that Ohio bordered on slave territory made it the most accessible territory for these people to traverse in their flight. There had been a fugitive slave law on the Federal statute books since 1793, and it was regarded as something extremely dangerous to conceal runaway slaves or aid them in any way to evade capture. Along the Ohio River there were men from Maryland, Virginia and Kentucky who had deep moral objections to slavery and they did not hesitate in the quiet of the night to harbor some poor fugitive or point his way to freedom. While these men would do nothing to seduce a slave from his master or to abduct him, they never shut the door in his face nor refused him assistance on his way. Even as the mainspring for their action was moral conviction, we can fully understand why those that were most notable in this work should be found among the Quakers, the Scotch-Irish Presbyterians, Methodists and Baptists, and as if by providential design these religious bodies were extremely numerous in the counties on the Ohio River.

The losses to the southern slave owners from fugitives fleeing to the North were very great. There was a constant complaint coming from the South that thousands of dollars' worth of negroes were lost every year through the bad faith of the North in failing to return their fugitives, or in encouraging their elopement. In 1822, Mr. Moore, of Virginia, declared on the floor of Congress that his district lost four or five thousand dollars' worth of negroes every year in this manner. Senator Atchison, of Kentucky, declared that hundreds of thousands of dollars' worth were lost every year by the border slave states. A representative of Maryland said his State lost eighty thousand dollars' worth annually, while Virginia's loss was estimated by Senator Mason at over one hundred thousand dollars a year. Representative Thomas L. Clingman, of North Carolina, said there were thirty thousand fugitive slaves living in the North that were worth at current prices fifteen million dollars. Governor Claiborne, of Louisiana, gave as a defect of the Fugitive Slave Law of 1850 that it failed to recompense the South for thirty million dollars which had been stolen from her through the manipulation of northern anti-slavery people. Whether these figures are over-estimates or not will never be known, but the southern statesmen were correct in assuming that there was a constant drain on their slave property by migration to the North. Neither was this accidental, nor was it entirely due to the irresponsible flight of the slave. The agency that was responsible more than any other for twenty years before the Civil War, was the Underground Railway.

This was the name given to the mysterious methods by which the ignorant slave was enabled to make an intelligent effort for liberty, and which furnished him transportation to a point where slavery was unknown and which, when he attained, he would be a free man. The terminus was usually Canada. Ofttimes the slave remained in a northern State, but this was always for him a position of danger. The Underground Railroad was operated more extensively in Ohio than in any other State in the Union. The long coast line of the Ohio River, every foot of which was an invitation to the slave to step into a land of freedom, furnished numerous stations where he could start on his race for liberty. Along this line there were about twenty river towns, nearly all of which were stations of the Underground Railroad.

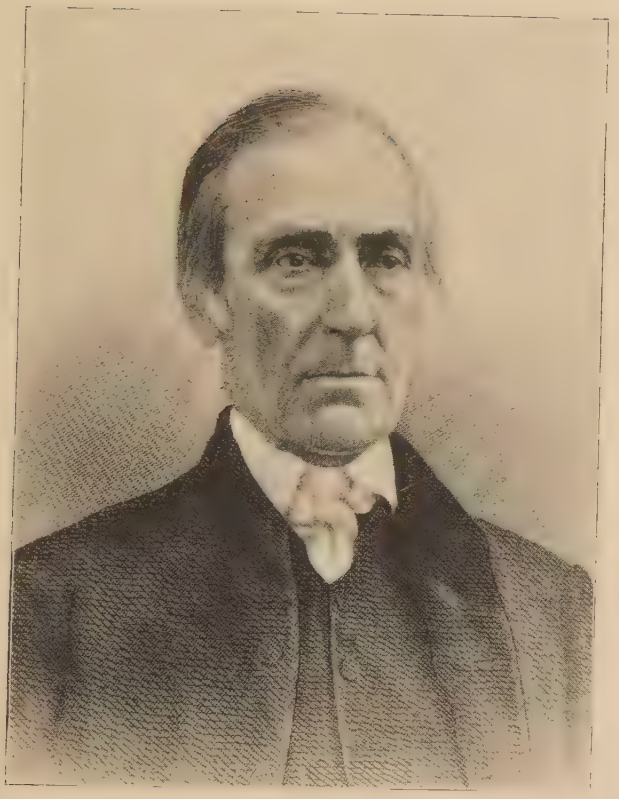
It will add to the interest of this subject to learn how this queer name came to be applied to this method of the blacks reaching freedom. Hon. Rush R. Sloane, in an address before the Firelands Historical Society at Milan, Erie county, Ohio, February 22, 1888 (*The Firelands Pioneer*, July, 1888), gives a very interesting history of the origin of this name. He says, "In the year 1831 a fugitive named Tice Davids came over the line and lived just back of Sandusky. He had come direct from Ripley, Ohio, where he crossed the Ohio River; he remained some time in Sandusky and then went to Canada. It was told of him that he gave the name to the Underground Road in this way: When he was running away, his master, a Kentuckian, was in close pursuit and pressing him so hard that when the Ohio River was reached he had no alternative but

LEVI COFFIN

Born near New Garden, North Carolina, October 28, 1798; removed to Wayne county, Indiana, 1826, and to Cincinnati, Ohio, 1847; for thirty years was president of the "underground railroad"; identified with the Freedmen's Bureau, and visited Europe in the interests of the freedmen; died in Avondale, Ohio, September 16, 1877.

slave remained in a northern State, but this was alwa
for him a position of danger. The Underground Rail
road was operated more extensively in Ohio th
any other State in the Union. The long coa
the Ohio River, every foot of which was an in
to the slave to step into a land of freedom, fur
numerous stations where he could start on his ra
liberty. Along this line there were about tw
river towns, nearly all of which were stations of

how this queer name came to be applied to this r
in an address before the Firelands Historic
at Milan, Erie county, Ohio, February 22, 1
Firelands Pioneer, July, 1888), gives a very inte
history of the origin of this name. He says, "
year 1831 a fugitive named Tice Davids cam
line and lived just back of Sandusky. He ha
river; he remained some time in Sandusky and then
went to Canada. It was told of him that he gave
name to the Underground Road in this way: Whe
he was running away, his master, a Kentuckian,
in close pursuit and pressing him so hard that
the Ohio River was reached he had no alternative bu



to jump in and swim across. It took his master some time to secure a skiff, in which he and his aid followed the swimming fugitive, keeping him in sight until he had landed. Once on shore, however, he could not find him. No one had seen him; and after a long and unsuccessful search the disappointed slave master went into Ripley, and when inquired of as to what had become of his slave, said he could not tell, that he had searched all the openings but he could not find him; that he was close behind him when the boy got on shore, and he thought 'the nigger must have gone off on an underground road.' This story was repeated with a good deal of amusement, and this incident gave the name to the line. First the 'Underground,' afterward 'Underground Railroad.'"

The terminology of the railroad soon became applicable to the different features of this rescue work. Those who were active in it were called "managers"; the "contributing members" were those who furnished clothing, food and vehicles, and while they were in sympathy with what was being done, for business, political and social reasons they did not desire to be known. The "conductor" was the one who directed the fleeing slaves from one "station" to another; these "stations" were the houses of abolitionists who kept the fugitives over night, or concealed them during the daytime.

There were two men in Ohio who were conspicuous by their untiring service in this work; one was Levi Coffin, of Cincinnati, and the other was the Rev. John Rankin, of Ripley, Ohio. Both of these men devoted the best years of their lives in aiding fugitive slaves to liberty. Coffin's conspicuous services brought

to him the title of President of the Underground Railroad. During the thirty years that he was engaged in this work he aided over three thousand slaves on their way to Canada. The Rev. John Rankin was a Presbyterian pastor at Ripley for forty-four years. He was an aggressive abolitionist and was mobbed for his views more than twenty times. His little work entitled, "Letters on Slavery," addressed to his brother, who owned slaves at Middlebrook, Virginia, was printed in Ripley in 1824 ran through numerous editions and had a wide circulation throughout the United States.

If the reader desires to pursue the history of the Underground Railroad in all its parts, with its romance, its dangers and its facts, he can find in the fullest detail a most comprehensive and entertaining narration in "The Underground Railroad from Slavery to Freedom," by Prof. Wilbur H. Siebert, of the Ohio State University (The Macmillan Co., 1898). In this work Prof. Siebert has performed a service which can really be said to be the last and fullest word on the subject.

In 1850 Congress passed what is known as the "Fugitive Slave Law." Indignant at the action of the North, and especially at the operations of the Underground Railroad in encouraging the flight of slaves from the South, the slaveholders demanded a more rigid protection of their "property." The result was the passage of an act, September 18, 1850, providing for the capture of fugitives from justice and of persons escaping from the service of their masters. It was an amendment of the first fugitive slave act of 1793. It was bitterly opposed by the anti-slavery sentiment of the North,

as the whole purpose was to make the northern states a free field for the action of slave hunters, supported and backed by the laws of the United States. Meetings were held throughout Ohio, protesting against the law. Joshua R. Giddings, in his speech against it in Congress, said, "The freemen of Ohio will never turn out to chase the panting fugitive." Senator Salmon P. Chase opposed the bill with all his strength. The law was altogether in favor of the slave hunter. It did not allow the negro to establish his rights when he was claimed as a fugitive. The owner was given the authority of a Federal officer in a State where he was not a citizen. Heavy fines and penalties were inflicted upon all who aided the fugitives, and all citizens were subject to be called upon to assist in returning the slaves.

The political effect of this law was to unite the anti-slavery element of the Whig and Democratic parties into what afterwards became the Republican party, the creation and organization of which will be treated hereafter. The Compromise of 1850, which resulted in the Fugitive Slave Act, was a strictly Southern measure, and it had the effect of so disgusting the anti-slavery Whigs of Ohio that the next year the Democrats carried the State on account of the disrupted condition of the Whig party. Leaving the political situation for a time, let us turn our attention to the effect of the legislation on the anti-slavery sentiment of the State. It was received in Ohio with a storm of dissent and indignation. The abolitionists in many places resisted the enforcement of the law, and some complicated and dangerous conflicts between the Federal and State

authorities ensued. There were many minor cases of resistance to Federal officers when they endeavored to return fugitive slaves from Ohio.

The most important case, and one which came perilously near to bringing on a conflict with the authorities of the United States, occurred in September, 1858. This is known as the "Oberlin-Wellington Rescue case." It grew out of the attempt to arrest a fugitive slave who had resided near the town of Oberlin more than two years past. The arrest by the Federal officers was resisted by a professor of Oberlin College and a number of students. They found the slaves in possession of the authorities at Wellington, and without violence rescued them. The result was the arrest of the rescuers and their arraignment before the United States Court at Cleveland. The occurrence was the sensation of the country at the time. Public sentiment in northern Ohio was with the prisoners. Two of the offenders were tried and convicted. The proceedings of the court were denounced by mass meetings throughout northern and eastern Ohio. An attempt was made to obtain relief by appeal to the State courts. A writ of *habeas corpus* was granted by one of the judges of the Supreme Court, commanding the sheriff to bring the prisoners who had been committed to the Cleveland jail before the court in order that the reason of their imprisonment might be inquired into. The Supreme Court heard the case at Columbus in 1859. It is reported at length (*Ex Parte* Bushnell, 9 Ohio State Reports, pp.77-325), and is an able interpretation of the law involved. This case is of great historical interest for several reasons. The applicant was Simeon Bushnell,

who had been convicted with Charles Langston, and imprisoned as above stated, for rescuing fugitive slaves from the United States authorities. In this case they sought to be discharged under writ of *habeas corpus* from the Supreme Court of Ohio, on the ground that the Fugitive Slave Law was unconstitutional. It was an attempt to override a judgment of the United States Court for the Northern District of Ohio, and there were grave apprehensions of a conflict between the State and the United States authorities should a decision be rendered favorable to the prisoner.

The excitement was intense, and it was an occasion which called for the coolest judgment, the highest official independence, and indomitable judicial integrity. A bare majority of the Supreme Court of five members sustained the United States District Court, and the prisoners were therefore remanded to the custody of the Federal authorities. Judge Joseph R. Swan, as Chief Justice of the Court, prepared and delivered the opinion, in which he held that a State Court could not interfere with the orderly action of the United States Court within its constitutional limit. A more courageous opinion from an honest judge was never given. Judge Swan had been elected in 1854 by the anti-slavery sentiment of Ohio. It was the opposition to the Democratic party that eventually developed into the Republican party. The Fugitive Slave Law was extremely odious from a political standpoint to Judge Swan and his party associates. Notwithstanding that the law had been held constitutional by the Supreme Court of the United States, there was a deep seated hostility to it in Ohio. The opposition

to it was one of the cardinal points of the new Republican party, of which Judge Swan was a distinguished member. It was in the face of these facts that he adhered to his judicial integrity and conscience and held the law as authoritative, whether he personally or politically approved its spirit and terms or not. For his firmness and independence in adhering to the principle which should always control the fearless judge, he accepted a retirement from public life and even alienated the best of his political friends.

In the opinion of the Court, the majority of which was represented by Judge Swan, he takes occasion in his final words to indicate that his personal feelings and his judicial findings are not in accord. His closing words are:

"As a citizen I would not deliberately violate the Constitution or the law by interference with fugitives from service; but if a weary, frightened slave should appeal to me to protect him from his pursuers, it is possible that I might momentarily forget my allegiance to the law and Constitution, and give him a covert from those who were upon his track. There are, no doubt, many slaveholders who would thus follow the impulses of human sympathy; and if I did it, and were prosecuted, condemned and imprisoned, and brought by my counsel before this tribunal on a *habeas corpus*, and were there permitted to pronounce judgment in my own case, I trust I should have the moral courage to say, before God and the country, as I am now compelled to say, under the solemn duties of a judge, bound by my official oath to sustain the supremacy of the Constitution and the law, *the prisoner must be remanded.*"

On June 2, 1859, the Republican State Convention assembled at Columbus; on the Monday morning previous Chief Justice Swan had rendered his famous opinion. Judge Swan was one of the founders of the Republican party; he was a Democratic anti-slavery man, and joined with all others of that manner of thinking in order to form a party consecrated to freedom. He had been nominated and elected as Judge of the Supreme Court in 1854 by a majority exceeding seventy-seven thousand. His fine career as a jurist, his high character, his decided views against the extension of slavery, all called for a renomination to the high office which he held, but his opinion had aroused the indignation of the radical element of the Republican party, and under the leadership of Wade, Chase and Giddings a renomination was refused him.

It is difficult in moments of deliberation to conceive how men well versed in the law and having high ideals of citizenship could take this attitude. Judge Swan's position was such as any just and honorable judge, who had due regard for his oath of office and who honored his conscience, would take, but the intolerance of the abolitionists was exercised against him. Judge Rufus P. Spalding, one of the attorneys in the famous case growing out of the Oberlin-Wellington Rescue, wrote concerning the defeat of Judge Swan for renomination: "He was dropped for the reason that he, as a judicial officer, recognized the Fugitive Slave enactment of 1850 to be of binding force in Ohio, and the two judges who were with him in opinion will be dropped in the same way as soon as they are reached

in the order of time. We do not recognize them as Republicans here in northern Ohio who will for a moment sustain this miserable enactment."

In other words, the proposition was that a Judge of the Supreme Court should ignore a law that was duly passed by the Congress of the United States and declared constitutional by the highest tribunal of the land; and this should be done because the judgment of a majority of the citizens of Ohio was opposed to the law in principle and for that reason would decline to obey it.

Contrast this attitude with that assumed by Abraham Lincoln towards the Fugitive Slave Law. No man of the time was more bitterly opposed to the principles of this law than Lincoln. He declared that the motives that prompted it were evil and that it bore all the evidences of being a conspiracy to promote and further the interests of slavery. And yet Mr. Lincoln was in favor of obeying the law because it was the law. He recognized that it had been passed in a constitutional manner and that Congress had the right under the Constitution to pass such a law.

An interesting case arose in 1861 while Mr. Lincoln was President, illustrating his views on this subject. Rev. George Gordon was president of Iberia College, Iberia, Ohio, and in November, 1861, he was indicted in the District Court of the United States of the Northern District of Ohio, for the violation of the Fugitive Slave Law. He was convicted and sentenced to six months' imprisonment and to pay a fine of three hundred dollars, with costs of prosecution. This case aroused a great deal of attention and concern in the North. It was regarded as a very singular thing that during a

rebellion of slaveholders the Lincoln administration should enforce the Fugitive Slave Act. Petitions in great number were forwarded to Mr. Lincoln, asking for Dr. Gordon's pardon. An elaborate brief against the morality and constitutionality of the law was also submitted to President Lincoln. The result was that the President pardoned the offender, but in the pardon he specifically stated that the conviction and sentence were legal, and notwithstanding the appeal in Dr. Gordon's brief he recognized the force and validity of the law, but Dr. Gordon was given his liberty purely on the ground of executive clemency, and it was so stated by the President.

The greatest political event of this period of anti-slavery agitation was the organization of the Republican party. For years many men in both the Whig and the Democratic parties were opposed to slavery and every movement of the South looking to its extension, but neither anti-slavery Democrats nor anti-slavery Whigs could see any place for men of their belief in either of the old parties. So the movement was started by Free Soilers, Whigs, Democrats and Americans or "Know Nothings," opposed to slavery, to act in unison on that subject. Accordingly there appeared a notice in the *Ohio State Journal* of Columbus, February 13, 1854, calling for a public meeting to express opposition to the violation of existing compromises between the free and slave states of the Union. From this meeting and others succeeding it, came the first State Convention of the Republican party of Ohio, or, as it was then known, the anti-Nebraska Convention. The name Republican was not adopted until the sub-

sequent year. The Convention declared "that the soil of Nebraska and Kansas shall be appropriated for free homes for free men," and it authorized the appointment of a committee to correspond with the committees of other states on subjects of a National Convention. This committee was composed of Henry B. Carrington of Columbus, and J. H. Baker of Chillicothe, Whigs; Joseph R. Swan of Columbus, and Rufus P. Spalding, of Cleveland, Democrats; and Dr. J. B. Coulter of Columbus, Free Soiler. The committee, representing all shades of political interests, foreshadowed that the party was not a mere fusion but a uniting of the sober judgment of men differing on other subjects, for the purpose of establishing a new party opposed to slavery ideas.

On July 13, 1855, in the Town Street Methodist Church in Columbus, was held the first Republican State Convention in Ohio. Like the Convention of the previous year, it was composed of all the different and frequently discordant anti-slavery elements in Ohio politics. There were old time Whigs, Free Soilers, Democrats, Liberty men and "Know Nothings," all differing on many points of policy but united and harmonious in resistance to the spread and extension of slavery. Joshua R. Giddings called the Convention to order; John Sherman, then a young man but recently elected to Congress, was chosen as the permanent Chairman of the Convention. The controlling idea and doctrine of the new party was opposition to the extension of slavery. Its platform expressed this in the following terse language: "We will resist the spread of slavery under whatever state or color it may

JOSHUA REED GIDDINGS

Born in Athens, Pennsylvania, October 6, 1795, and in 1805 came with his parents to Wayne township, Ashtabula county, Ohio; served as a volunteer in the War of 1812; admitted to the bar, 1820; elected to the Ohio Legislature, 1826, and served one term; member of Congress, 1839-59, being conspicuous as an anti-slavery leader; Consul-General in Canada from 1861 till his death; died in Montreal, Canada, May 27, 1864.

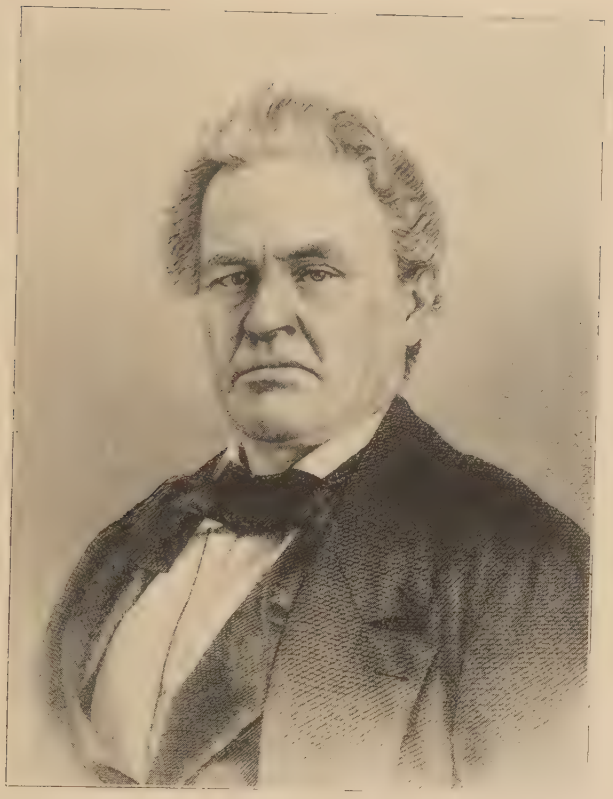
J. B. Coulter of Columbus, Free Soiler. The committee, representing all shades of political interests, foreshadowed that the party was not a mere fusion but a uniting of the sober judgment of men differing on other subjects, for the purpose of establishing a new party opposed to slavery ideas.

State Convention in Ohio. Like the Convention of the previous year, it was composed of all the different

Ohio politics. There were old time Whigs, Free Soilers, Democrats, Liberty men and "Know Nothings," all differing on many points of policy but united and harmonious in resistance to the spread and extension of slavery. Joshua R. Giddings called the Convention order; John Sherman, then a young man but

Chairman of the Convention. The controlling and doctrine of the new party was opposition to the extension of slavery. Its platform expressed this

spread of slavery under whatever state or color it may



be attempted." On this one question there was absolute harmony. The different elements of the Convention all had their different ideas as to the intensity with which the declaration of principle should be laid down and as to who should be the standard bearer.

Joshua R. Giddings, the leader of the Free Soil element, was not satisfied with the plank on slavery. It was too mild. He regarded it as "weak food for men who had bared their breasts to the slave power for twenty years." He thought that the committee on resolutions should have emphatically condemned the National administration for the flagrant and unjust acts, but nevertheless he waived his objections and gave a hearty support to the platform. Salmon P. Chase was nominated for Governor. Mr. Chase was the best type of the principle on which the new party was founded, and was recognized as the natural leader of the new Republican party. In his career in the Senate he had faithfully carried out the trust imposed in him by the anti-slavery legislature of 1848-9. He led the forces of free speech and free men, molding the sentiment not only of his own State but of the entire country by his battle against slavery. He fought the repeal of the Missouri Compromise; he demanded the exclusion of slavery from National territory, and stood side by side with Sumner, Wade and Hale. With them he opposed the Fugitive Slave Law. All these events had produced the thinking which resulted in the new party organization of which Mr. Chase was the head.

Mr. Chase made an active and effective canvass throughout the State. Governor Medill was the Democratic candidate for reëlection, and Allen Trimble,

who had been Governor from 1826 to 1830, was the American candidate. Against Chase was all the pro-slavery and Know Nothing sentiment of the State; he was elected, however, by 15,751 plurality. Ex-Governor Trimble received 24,276 votes.

This election marked the passing of Governor Medill from the politics of Ohio. He had exercised a great and beneficent influence in his party. And in this connection, it is of interest to note that he and his predecessor, Reuben Wood, were the last of the old-fashioned school of Democratic executives that for a long time held the Chief Magistracy of the State. They disappeared in the stormy period of politics prior to the Civil War, when new issues were developed and radical progress was being made on the slavery question. We have referred to Governor Medill's career (Volume IV, Chapter V), and that of Governor Wood is no less interesting. They represent two eras in our State history; one being the last Governor under the Constitution of 1802, and the other the first under that of 1851. Reuben Wood came of Revolutionary stock, and his father was a chaplain in the Continental Army. He was born in Middletown, Vermont, in 1792. When a young man he was drafted by the British authorities to serve in the English Army for the War of 1812. He had been attending school in Canada when the war broke out. He escaped from the Canadian authorities by crossing Lake Ontario in a birch canoe. He was elected to the Ohio Senate from Cuyahoga county in 1825. In 1850, he was elected Governor, defeating Samuel F. Vinton, the Whig candidate. He was again elected in 1852. He resigned the Governorship July 15,

1853, to be Consul to Valparaiso. He returned in a year to Ohio and resumed the practice of law; during the Civil War he was a pronounced Union man and was expecting to preside at an immense Union meeting at Cleveland about the date of his death, which occurred October 1, 1864.

On January 14, 1856, Governor Chase commenced his gubernatorial term. His election was a national affair; it was national in its importance and in its results. His first term was devoid of events. Under his official oath he administered the Fugitive Slave Law, at the same time doing justice to the poor fugitive, yet fulfilling the obligations of his State to the Constitution and laws of the United States.

He was renominated by his party in 1857, and after a short and close campaign—so close that it took nearly a fortnight to determine who had been chosen—he was elected over Henry B. Payne, Democratic candidate, by 1,503 plurality. The most important measure of Governor Chase's second term and the one which more than any other gave Ohio prominence in succeeding years, was his organization of the militia of the State. Whether Governor Chase with prophetic eye saw what three years would develop cannot be said, but at his suggestion legislation reorganizing the militia was passed. A review of the military forces of the State was had in 1858, and the regulation and rules governing military drill were printed and scattered among the militia, thereby creating a martial and patriotic spirit which afterward burst out with almost uncontrollable enthusiasm.

Slowly the nation was approaching the crisis of its history, and Mr. Chase marched abreast of all the events that led to it. In October, 1859, John Brown made his famous invasion of Virginia, and immediately afterward Governor Henry A. Wise, of that State, wrote to Governor Chase notifying him that Virginia would pursue abolition bands even into sister states to punish them. Governor Chase dignifiedly replied that Ohio would obey the Constitution and laws of the United States, and would discountenance unlawful acts, but under no circumstances could the military of other states invade Ohio territory. This was his last official declaration as Governor; in January, 1860, his term closed, and he left the executive chamber and was again elected United States Senator a month afterward.

William Dennison was his successor. He was a comparatively new man in Ohio politics and his reputation was based on his solid qualities of financial ability and business standing, rather than upon the single term that he had served in the State Senate. But he surprised those who had underrated him. In the debates during the campaign with his Democratic opponent—Judge Rufus P. Ranney—he was able to reach the popular heart in a much greater degree and in a much better manner than the acknowledged leader of the Ohio bar. Mr. Dennison assumed the duties of Governor under the most uncertain condition of affairs. The slave power was daily becoming more aggressive, and threats of disunion were rife in the American Congress. Little did the new chief executive know of the responsibilities and duties that would be thrust upon

him before his term should expire. He knew the signs were portentous, he felt the shaking of an approaching earthquake, but of the part he was to play in coming events he was wholly ignorant. Under this phase of public affairs in Ohio did the first "War Governor" take his seat.

Chapter VII.

OHIO IN THE CIVIL WAR

THE CALL TO ARMS
GOVERNOR DENNISON'S ADMINISTRATION
FORMATION OF THE UNION PARTY

THE contest growing out of the attempt to extend slavery produced an acute feeling between the North and South, which eventually broke out in Civil War. The State of Ohio was brought prominently into this contest by reason of the fact that some of the most distinguished figures representing the North were from this State. In the Congress of 1859-60, there was a bitter contest for the speakership of the House, John Sherman being the Republican candidate. He was defeated on account of his opposition to the extension of slavery and because he had endorsed a book that greatly irritated the South. When the second session of this Congress met, in 1860, the country was in an excited and agitated condition on account of the threat made by Southern States to secede from the Union. Before the session had been many weeks old South Carolina had passed an ordinance of secession, and within a few months other slave states followed, and on February 8, 1861, the Southern Confederacy was formed at Montgomery, Alabama. In the meantime every effort was made by Congress to effect some basis of compromise to avoid the dissolution of the Union. The most important step in this direction was the formation of a "Committee of Thirty-three," consisting of one from each State, and appointed by the Speaker on a vote of the House. Thomas Corwin, former Governor of Ohio, was made chairman of this committee. He was conservative in his spirit and was in favor of conciliation or compromise.

This committee in the interests of peace proposed in its report: (1) An amendment to the Constitution

to the effect that no amendment having for its object any interference with slavery in a State shall ever be made unless the same shall originate in a slave State and be consented to by all the states. (2) An act for the admission of New Mexico as a slave State without further action of Congress. (3) An amendment to the Fugitive Slave Law so that it shall be more efficient for the arrest of fugitive slaves, and, (4) An amendment of the act for the rendition of fugitives from justice, so as to give the Federal Court exclusive jurisdiction, and make indictments *prima facie* evidence against the accused. If this report had been consummated into action it would have been a most humiliating abnegation of the North. It was a surrender of every moral conviction on the question of slavery, and a humiliating acquiescence to every demand of the South. Mr. Corwin on January 21, 1861, in a speech in the interests of conciliation, urged all four of these propositions. He was willing to do anything to preserve the Union and call back the seceding states. This was his last formal speech in Congress. The spirit and tone of the northern congressmen in this session were almost appealing in their desire to prevent secession; even an amendment to the Constitution preventing Congress from ever abolishing or interfering with slavery was adopted by the Senate and House, but before it could be ratified by the states all efforts at conciliation were lost by reason of the Southern States seceding. Only two states, Maryland and Ohio, gave their assent to the amendment. In all these compromise propositions, Mr. Corwin was foremost, and

WILLIAM DENNISON

From a painting by John Henry Witt in the Capitol in Columbus.

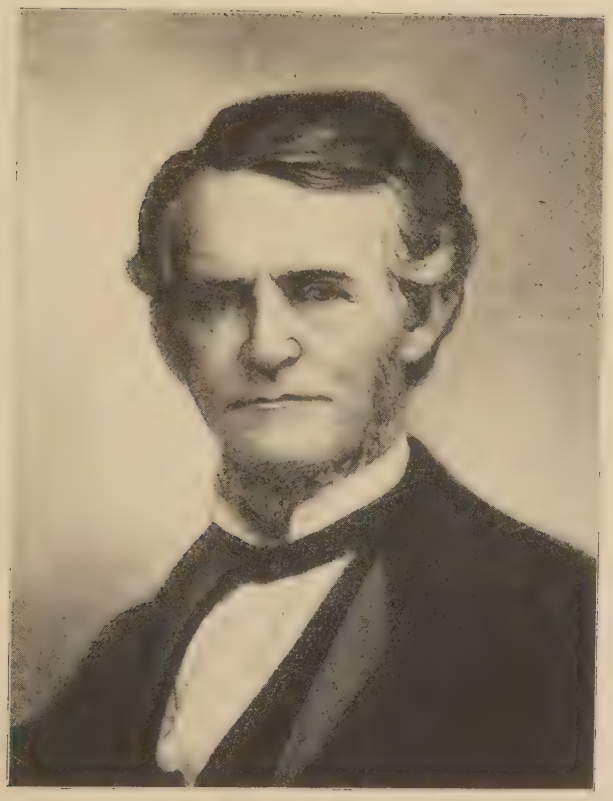
Born in Cincinnati, November 23, 1815; was graduated from Miami University, 1835, admitted to the bar, 1840, and removed to Columbus; elected to the State Senate, 1845; Governor, 1860-62; appointed Postmaster-General by Lincoln, October, 1864, and served till July, 1866; died in Columbus, June 15, 1882.

so as to give the Federal Court exclusive jurisdiction,

the accused. If this report had been consumm
into action it would have been a most humiliatin
abnegation of the North. It was a surrender of every

humiliating acquiescence to every demand of the South.
Mr. Corwin on January 21, 1861, in a speech in the
interests of conciliation, urged all four of these proposi-
tions. He was willing to do anything to preserve the
Union and call back the seceding states. This was
his last formal speech in Congress. The spirit and
tone of the northern congressmen in this session were
almost appealing in their desire to prevent secession;

ress from ever abolishing or interfering wit
ery was adopted by the Senate and House, but
re it could be ratified by the states all efforts at
on were lost by reason of the Southern States
. Only two states, Maryland and Ohio, gave
ir assent to the amendment. In all these com-
positions, Mr. Corwin was foremost, and



the willingness of Ohio to adopt the constitutional amendment referred to shows to what extent it was willing to go to preserve the Union.

While Ohio was ready to make every conciliatory endeavor for national peace, the true sentiment of its people was emphatic in the disapproval of slavery and in an earnest feeling for its annihilation. Every movement, looking to the support of the Government, was undertaken. The Legislature which assembled on the first Monday in January, 1860, was confronted with a situation grave both in a national and in a state sense. Governor Dennison, in his inaugural address of January 9, 1860, expressed positive views on the condition of national affairs. He severely condemned slavery for the evils that it had brought upon the country, and pledged Ohio's fidelity to the Union. His address was calm and temperate and evidently he had no expectation of the serious scenes and strife that were to follow. Governor Chase was elected United States Senator February 2, 1860, to succeed Senator George E. Pugh, who had been elected by the Democratic General Assembly in 1854. While there was some opposition to Mr. Chase on account of his abolition sentiments, he was elected easily, he receiving 76 votes, Pugh 53, and Thomas Corwin 5. These last represented conservatives within the Republican party.

As indicative of the desire of Ohio to give every evidence of non-sectional feeling, its General Assembly in January tendered an invitation to the Legislature and State officials of Kentucky and Tennessee to visit Columbus as guests of the State of Ohio. These two legislatures were assembled at Louisville to celebrate

the opening of the Louisville and Nashville Railroad, and a committee of the Ohio Legislature, with James A. Garfield at its head, was appointed to proceed to Louisville and deliver the message on behalf of their State. The festivities which followed the acceptance of the Ohio invitation gave little indication of the strained relations that were soon to obtain.

On January 26 the Governors of Kentucky and Tennessee and the General Assemblies of those states arrived in Columbus, and for three days they were given all possible honors and pleasures. In the evening the hotels and other buildings on High and other streets fronting the capitol were illuminated. The rotunda of the capitol glittered with hundreds of lights. Fireworks were discharged from the statehouse yard, and the night was brightened with colored fire. A levee was held at the statehouse and the officers of state and prominent citizens of the city were present to receive their guests. On the next evening a meeting over which Governor Dennison presided was held, and for hours the delighted multitude listened to the patriotic eloquence of three states. Governor McGoffin of Kentucky attracted especial attention on account of his patriotic declarations and his repudiation of everything looking to a dissolution of the Union. "Sir," said he, "we have no hearts or arms for fraternal strife, but, sir, we have millions of brave hearts and powerful arms ready to preserve this whole Union, and to protect and defend any American citizen of any section from insult or aggression from without." In contrast with this declaration is the subsequent action of Governor McGoffin in openly espousing the

enemies of the Government in 1861, and his response to the call for troops made by the Secretary of War, April 16, 1861, in which he said: "In answer, I say emphatically that Kentucky will furnish no troops for the wicked purpose of subduing our sister Southern States." If there was anything resultant from the demonstrations of these two states on this occasion but good fellowship and a good time, it was not apparent.

When the next General Assembly met on the first Monday of January, 1861, South Carolina had voted herself out of the Union by an Ordinance of Secession, and other states in the South were taking measures in the same direction. The Ohio Legislature, alive to the dangerous situation, was inclined to do everything to avert the impending danger. It not only adopted the amendment proposed by the "Committee of Thirty-three," but expressed an almost similar spirit of conciliation. On January 12, Senator Richard A. Harrison, a patriotic and conservative member, offered a series of joint resolutions which was unanimously adopted by both houses. The substance of these resolutions was as follows: 1. The people of Ohio believe that the preservation of this Government is essential to the peace, prosperity and safety of the American people. 2. The general Government cannot permit the secession of any State without violating the bond and compact of the Union. 3. The power of the National Government must be maintained, and the laws of Congress enforced in the states and territories until their repeal by Congress, or they are adjudged to be unconstitutional by the proper tribunal.

All attempts by State authorities to nullify the Constitution and laws of Congress, or resist their execution, are destructive of the wisest government in the world. 4. The people of Ohio are opposed to meddling with the internal affairs of other states. 5. The people of Ohio will fulfill in good faith all their obligations under the Constitution of the United States, according to their spirit. 6. Certain offensive laws in some of the states are rendered inefficient by the Constitution and laws of the Federal Government which guarantee to the citizens of each State the privileges and immunities of the several states. The several State Governments should repeal these offensive laws, and thus restore confidence between the states. 7. All Union men condemn the secession ordinances. 8. We hail with joy the firm, dignified and patriotic message of the President, and pledge the entire power and resources of the State for a strict maintenance of the Constitution and laws by the general Government, by whomsoever administered.

These resolutions were adopted with substantial unanimity. Only a few of the extreme Democrats voted against them. The sentiment in the Legislature among Republicans and Democrats was for union, and in opposition to secession, and there was a general agreement of sentiment that it was the duty of the Government to suppress any attempted revolution or rebellion. The Democrats who opposed some of these resolutions did so on the ground of policy or expediency, and not on account of the principle declared for. It was difficult to unite the Republicans even on these propositions. It meant that Ohio was

willing to sustain the Fugitive Slave Law and to repeal any State legislation that had been passed for the purpose of obstructing the operation of that law, and was in favor of other states doing likewise. Copies of these resolutions were sent to the President, both houses of Congress and the Governors of all the states.

Still hoping that an honorable peace might be maintained and the Union preserved, the Legislature responded to the call of the border states for a peace conference held at the request of the Legislature of Virginia in Washington. The members appointed to represent Ohio were Salmon P. Chase, William S. Groesbeck, Franklin T. Backus, Reuben Hitchcock, Thomas Ewing, V. B. Horton, and John C. Wright, who died during the session, and who was succeeded by C. P. Walcott. This conference met February 4 and adjourned February 27. It accomplished nothing.

Two days after President Lincoln was inaugurated, he nominated Senator Salmon P. Chase, of Ohio, to be the Secretary of the Treasury, and on March 6 Mr. Chase forwarded the resignation of his seat in the Senate to Governor Dennison. On the 26th of March the General Assembly elected John Sherman, who had served in Congress since 1855, to be his successor. Mr. Sherman had become conspicuous in the councils of the Republican party by his pronounced stand against the extension of slavery, and had acquired a national reputation by his service on the committee to investigate the disturbances in Kansas and by his candidacy for the speakership of the House of Representatives. By his election to the senatorship Mr. Sherman commenced a further career that was to

be marked by great distinction and genuine statesmanship. It can be truly said of him that from his entrance into the House of Representatives in 1855 to the day that he laid down the portfolio of Secretary of State in President McKinley's Cabinet he was always a commanding figure in the history of his time. As Congressman, Senator and Cabinet officer John Sherman reflected great honor on himself and his State. As Secretary of the Treasury in President Hayes' Cabinet he took rank as one of the great triumvirate that history has collected from that office to live during our national life. There have been many great men who have been finance ministers of our country, but three have been placed in the Hall of Fame—Alexander Hamilton, Salmon P. Chase and John Sherman.

The strain that had been upon the entire country was broken on Friday, the 12th day of April, 1861. It was the hope of the peace loving people of the Nation that the hostile guns that were trained upon Fort Sumter would by some providential interference be intercepted by some thoughts of peace and patriotism that might arise in the hearts of the Southern people. The passage of ordinances of secession one after another by the Southern States dissipated all these hopes. The Legislature of Ohio was considering at this very time the famous compromise resolutions proposed by Mr. Corwin in his celebrated report of the Committee of Thirty-three, and the constitutional amendments proposed by this committee which would forever protect and save slavery to the Southern States was being favorably debated and voted upon by the

Legislature of Ohio when the startling news came that Fort Sumter was being fired upon.

General Jacob D. Cox at this time was a member of the Ohio Senate. His subsequent career will form an important part in these pages. He describes in his "Military Reminiscences of the Civil War" how the news was received by the body of which he was a member, and he says: "Suddenly a Senator came in from the lobby in an excited way, and catching the Chairman's eye exclaimed, 'Mr. President the telegraph announces that the secessionists are bombarding Fort Sumter!' There was a solemn and painful hush, but it was broken in a moment by a woman's shrill voice from the spectators' seats crying 'Glory to God!' It startled every one almost as if the enemy was in their midst. But it was the voice of a radical friend of the slave, who after a lifetime of public agitation believed that only through blood could freedom be won.

"Abby Kelly Foster, who had been attending the session of the Assembly urging the passage of some measure enlarging the legal rights of married women, and sitting beyond the railing when the news came in, shouted a fierce cry of joy that oppression had submitted its cause to the decision of the sword. With most of us the gloomy thoughts that Civil War had begun in our own land overshadowed everything, and seemed too great a price to pay for any good; a scourge to be borne only in preference to yielding the very groundwork of our republicanism—the right to enforce a fair interpretation of the constitution through the election of President and Congress."

The next day the telegraph brought the news that Fort Sumter had surrendered, and on April 15 the State of Ohio was stirred to the depths over the call of the President for troops to maintain the honor, integrity and existence of the National Union.

This generation can form no conception of the condition of the public mind at that time. There was a disposition on the part of the Legislature and the patriotic people of the State to grant all the money and enlist all the men necessary to preserve the Union, but there was a hopelessness in the situation born of unpreparedness. This can best be understood from the report of the Adjutant General for the year 1861. The military condition of the State and its readiness to take part in the defense of the Union is thus described by General C. P. Buckingham in his report for that year:

"No one dreamed that a war could arise, demanding the utmost energies of the country without a sufficient note of warning to afford opportunity for at least some preparation. Resting in this fancied security, the people of Ohio lost all interest in military matters, so that they not only neglected to cultivate among themselves anything like military taste and education, but had come to consider every effort in that direction as a fit subject for ridicule. Hence, on the breaking out of the present war, the State was found to be comparatively without arms, organization or discipline to prepare her for the part it became her to take in the fearful struggle. Of the many thousand muskets received by the State from the Federal Government with which to arm and drill the militia, nearly all had

been lost or sold for a trifle. The cannon had been used for firing salutes, and left exposed to the weather until rust and decay had rendered them and their equipments worthless.

"A few volunteer companies had been formed from time to time, and after a spasmodic existence for two or three years most of them had been disbanded or had dwindled to nothing.

"Almost the entire organization of the militia was merely nominal. Very many of the high offices were vacant, and the system, if it could be called so, had no working power. The only bright spots in this melancholy picture were less than a dozen independent companies of volunteer infantry and seven or eight gun squads of artillery, called by law companies. Six of these, called a regiment but really comprising a single battalion, under the command of Col. James Barnett, took the field at once as then organized, and during the three months' service proved most efficient in the early part of the campaign in Western Virginia."

But the State promptly proposed to remedy all these defects, and through its Legislature took measures that placed Ohio in the very front ranks as a defender of the Union. It is worthy of observation and record that on this occasion party lines melted away under the heated patriotism, and Democrats vied with Republicans in rallying to the support of the Union and in responding to the call of President Lincoln. On April 16, in less than twenty-four hours after the President's call for troops, the State Senate passed a bill for the appropriation of one million dollars to furnish arms to the troops raised in Ohio and for other

military purposes. In detail the bill provided that $500,000 be appropriated for the purpose of carrying into effect any requisition of the President to protect the National Government; $450,000 for the purchase of arms and equipment for the militia of the State and $50,000 as an extraordinary contingent fund to be used as the Governor might see fit. The commissioners of the sinking fund were authorized to borrow this money at six per cent. interest. This bill was passed unanimously. Later on $1,500,000 additional was appropriated for use in case of invasion of the State. The General Assembly also provided by taxation for a fund to be applied to the relief of families of volunteers, which relief was to be continued one year after death of such volunteers as died in the service.

James A. Garfield was at this time the leader of the Senate. He was at the head of what was known as the "Radical Triumvirate" composed of himself, Jacob D. Cox and James Monroe; one afterward distinguished himself as General, Governor of Ohio and Secretary of the Interior, and the other served in Congress from the Oberlin district and was also sent abroad on a diplomatic mission by President Lincoln. Mr. Garfield's contribution to the war legislation of this General Assembly was a bill defining and providing punishment for the crime of treason against the State of Ohio. It declared any resident of the State who gave aid and comfort to the enemies of the United States guilty of treason against the State, to be punished by imprisonment in the penitentiary at hard labor for life. Mr. Garfield sustained this

bill, which afterward passed and became a law, April 26, by a very elaborate report, submitted to the Senate April 15, 1861. It is his first written expression relating to the Civil War. It is a scholarly and judicial document on the law of treason. "It should at any time startle us," says he in this report, "that all the acts of disloyalty and treachery enumerated in this bill may be committed against the State of Ohio, and yet subject the offender to no other charge than trespass or malfeasance in office. Shall Ohio visit the extreme penalty of the law upon the murderer of a citizen and yet be powerless against him who shall plot the ruin of the State?" Again he says, "It is high time for Ohio to enact a law to meet treachery when it shall take the form of an overt act—to provide that when her soldiers go forth to maintain the Union there shall be no treacherous fire in the rear. It is time for Ohio to declare to all her citizens and to all her sister states that the prosperity of the Union is her prosperity—its friends her friends—its enemies her enemies—its honor her honor—its destiny her destiny,—and whosoever strikes a blow at its life strikes also at hers."

To this and similar legislation there was but little opposition. It received the patriotic support of the General Assembly without regard to party lines. A vigorous antagonism, however, was inaugurated against all legislation of this nature by Clement L. Vallandigham, the Democratic Congressman from the Dayton district; he visited Columbus at this time for the purpose of dissuading his party associates from giving sanction to these and other war measures. He met

with but little success in that direction. Mr. Vallandigham was one of the most brilliant and picturesque characters of the Civil War period in Ohio politics. As one of the most powerful factors against the prosecution of the war and as the leader of the peace party, as the radical element in the Democratic party called themselves, he is worthy of extended attention and study. He was born at New Lisbon, Ohio, July 29, 1820, and was admitted to the bar in 1842. In 1845-6 he was a member of the Ohio legislature and attracted attention by his marked ability and powers of oratory.

In 1857 he was a candidate for Congress against Lewis D. Campbell, and was declared defeated but was seated on a contest. He served from May 25, 1858, until March 3, 1863. While he repeatedly asseverated that he was neither a Northern man nor a Southern man, his actions and deeds were altogether friendly to the South. In the distressful period prior to the war, when there were threats frequently made by heated Southerners as to the dissolution of the Union, and ill-tempered recriminations by excited Northerners concerning a war that would follow any attempt at secession, Mr. Vallandigham did not hesitate in his positive way to indicate what his attitude would be in that direful time. As early as November 2, 1860, he expressed himself at a meeting in Cooper Institute, New York City, declaring in a public speech that "If any one or more of the states of this Union should at any time secede, for the reasons of the sufficiency and justice of which, before God and the great tribunal of history, they alone may judge, much as I should deplore it, I never would, as a Repre-

BENJAMIN FRANKLIN WADE

Born in Feeding Hills, near Springfield, Massachusetts, October 27, 1800, and removed to Andover, Ashtabula county, Ohio, 1821; admitted to the bar, 1827, and was for some time in partnership with Joshua R. Giddings and later with Rufus P. Ranney; member of the State Senate, 1838-40 and 1840-42; elected by the Legislature Judge of the Supreme Court of Ohio, 1847, and served five years, when he resigned to become United States Senator; continued in the Senate until 1869; died in Jefferson, Ashtabula county, Ohio, March 2, 1878.

BENJAMIN FRANKLIN WADE

Born in Feeding Hills, near Springfield, Massachusetts, October 27, 1800, and removed to Andover, Ashtabula county, Ohio, 1821; admitted to the bar, 1827, and was for some time in partnership with Joshua R. Giddings and later with Rufus P. Ranney; member of the State Senate, 1838-40 and 1840-42; elected by the Legislature Judge of the Supreme Court of Ohio, 1847, and served five years, when he resigned to become United States Senator; continued in the Senate until 1869; died in Jefferson, Ashtabula county, Ohio, March 2, 1878.

Union, and ill-tempered recriminations by excited attempt at secession, Mr. Vallandigham did not 2, 1860, he expressed himself at a meeting in Cooper Institute, New York City, declaring in a public speech that "If any one or more of the states of this Union should at any time secede, for the reasons of the sufficiency and justice of which, before God and

sentative in the Congress of the United States, vote one dollar of money whereby one drop of American blood should be shed in a Civil War."

Mr. Vallandigham was obsessed with the idea that peace was to be desired and maintained at any cost whatever, even through a dissolution of the Union; and like many others, notably Horace Greeley, he was willing that there should be secession instead of war. At least that was his view in 1860 and 1861. He modified it later. In a speech delivered in Congress February 20, 1861, which attracted great attention throughout the country and shocked the Union sentiment of the North, Mr. Vallandigham supported a proposed constitutional amendment, framed by him, which provided for dividing the Union into four sections, viz.: the North, the West, the Pacific and the South. In this constitutional amendment proposed by him he recognized the right of secession, as one of the articles provided that "No State shall secede without the consent of the Legislature of the states of the section to which the State proposing to secede belongs. The President shall have power to adjust with seceding states all questions arising by reason of their secession; but the terms of adjustment shall be submitted to the Congress for their approval before the same shall be valid."

The author of this novel proposition claimed in his speech that his purpose was to save the Union, but he had no support from the rank and file of the Democratic party because it was apparent that the plan was destructive of national unity and contained the seeds of death for the American Republic. It was

no secret at the time that Senator Garfield's bill to punish treason was aimed at Mr. Vallandigham, although there was no evidence of any overt act on his part against the Union.

The prompt response of the authorities of Ohio to Mr. Lincoln's call for troops and the united support of the Union men of both the Republican and Democratic parties showed that Mr. Vallandigham's influence to check the rising sentiment of the State was not powerful. He communicated privately with the leaders of the Democratic party in a circular calling for a conference to consider the pending situation. How these circulars were received is told in "A Life of Clement L. Vallandigham" by his brother, Rev. James L. Vallandigham: "Mr. Vallandigham immediately issued a private circular addressed to some twenty or more prominent Democratic politicians of the State, proposing a conference at Chillicothe on the 15th of the month, to concert measures to arouse the people to a sense of the danger which was so imminent from the bold conspiracy to usurp all power in the hands of the Executive, and thus 'to rescue the Republic from an impending military despotism.' But four answers were received; three favorable and one adverse to the conference. It was not held." Thus Mr. Vallandigham failed in the preliminary stages of Ohio's preparation for the war to affect his party in the slightest degree, and it joined with its political opponents in standing for the Union. Leaving Mr. Vallandigham for the present, we shall meet him later in a more critical period and under circumstances much different from these narrated. We shall find him at

the head of a positive public sentiment arrayed against the war for the Union and exercising powerful, malevolent influences to that end.

When President Lincoln on April 15 made his call to the states for troops, Ohio proceeded to immediately answer the demand. How well she succeeded in supporting the Government during 1861 is shown in the report of the Adjutant General for that year. On December 31, 1861, the State of Ohio had furnished the following troops under various calls of the President: Infantry in the field, forty-six regiments; full in camp, eleven regiments; nearly full, eleven regiments; organizing, thirteen regiments; cavalry in the field, four regiments, one squadron, four independent companies; full in camp, four regiments, one independent company; artillery in the field, twelve batteries; full in camp, eight batteries; organizing, nine batteries. In these organizations the men enlisted from Ohio were placed, and they numbered during the year 1861, 100,224.

The patriotic activity of the State was early manifested, for even before Fort Sumter surrendered twenty regiments were proffered Governor Dennison. Within twenty-four hours after the President's call, troops began to arrive at Columbus. The Lancaster Guards were the first to report; they were soon followed by the Dayton Light Guards. Other organizations rapidly followed one after another until, by April 18, there were enough companies to make up the First and Second Volunteer Infantry regiments. As the first offering to the Nation the list will be interesting. The First Regiment was made up by companies of the following: (A) Lancaster Guards; (B) Lafayette

I will defend Ohio where it costs less and accomplishes the most. Above all I will defend Ohio beyond rather than on her own border."

As early as May 7 appeals came to the Governor from the loyal residents of Parkersburg, asking that troops be sent to occupy the town against the advancing Confederates. Governor Dennison urged McClellan to enter immediately into Western Virginia. At this early period the General displayed that tendency to "masterly inactivity" which characterized his subsequent career as the head of the Army of the Potomac. Notwithstanding the Governor's urging, McClellan did not move until after the Confederates had advanced and seized Grafton on May 20. On the 24th, after the united efforts of Governor Dennison and the Secretary of War, the Ohio troops were started, and in a few days were pouring into Western Virginia.

Then followed the brief campaign which won for the Union the thirty-four counties of the Old Dominion and which were afterward erected into the State of West Virginia. It was the Ohio militia not yet mustered into the service of the United States that engaged in the first military operations of the Civil War against the Southern Confederacy. The movement was planned by the Governor of Ohio, led by a Major General appointed by him, commanding Ohio soldiers in the service of that State and paid by it. The Ohio regiments that participated in this remarkable campaign were: the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eight-

eenth, Nineteenth, Twentieth, and Twenty-Second Infantry; Barnett's Ohio Battery and Burdsall's Ohio Dragoons.

During all of 1861 Ohio troops were conspicuous in all the engagements with the enemy in Western Virginia, Kentucky and Missouri.

After the battle of Bull Run the President called for 500,000 volunteers for three years. As before, Ohio responded promptly. Her quota was 67,365 men. Governor Dennison pushed so energetically the work of organization that by December 31, 1861, he could report to Washington that the Ohio force enlisted for three years amounted to 77,844 men. Meanwhile, to accomplish this, the Governor had undertaken the task of subsisting and supplying these troops as recruited. It was a task of great magnitude, involving an expenditure of, for that time, a vast sum of money. Governor Dennison in his Annual Message (1862) on this subject says:

"The total actual expenditures of the State of Ohio for military purposes to January 1, 1862, are $2,089,451.21, of which $1,212,134.45 were paid by the State out of its own funds, and the balance, $877,316.76 was paid out of moneys received from the United States. From the most accurate sources of information I have been able to consult, I estimate the unpaid claims against the State for war purposes as not exceeding the sum of $250,000. Upon this estimate, the whole amount expended and the unpaid liabilities of the State incurred for war purposes to January 1, 1862, are $2,339,451."

In the enlistment, organization and subsistence of the Ohio army prior to being mustered into the service of the United States, it was necessary to have camps throughout the State where these operations could be carried on. Camp Dennison near Cincinnati and Camp Chase near Columbus were under the control of the United States, and only used for Federal soldiers. Governor Dennison for State purposes established during his administration the following: Camp Jackson at Columbus, Camp Harrison near Cincinnati, Camp Taylor at Cleveland, Camp Goddard at Zanesville, Camp Anderson at Lancaster, Camp Putnam at Marietta, Camp Wool at Athens, Camp Jefferson at Bellaire, and Camp Scott at Portland.

It was apparent in the summer of 1861 that Governor Dennison could not be reëlected. He had been a faithful public official, but in the confusing crisis precipitated upon the State he was held responsible for all the mistakes of that eventful time. Ohio had raised more soldiers than the United States as a Nation had ever before put in the field; she had expended more money and made more contracts than ever before in her history; her people were wild with haste and patriotism. It was therefore natural that every antagonism that grew out of this situation should center upon the Governor. Every dissatisfaction that prevailed was charged upon him. Every disappointed place-seeker, every grafting contractor, every ambitious politician whose purposes he thwarted, helped to arouse popular discontent. It was soon seen that the opposition thus fomented was an insuperable objection to his renomination. And yet no chief executive exercised

his great duties and met his heavy responsibilities with more purity of purpose, integrity of execution or wiser patriotism. The very honest and courageous manner in which he discharged his duties brought upon him the brutal condemnation of public opinion.

Yet at this distance, when all the conditions can be calmly viewed, he can well be appreciated, and his administration credited as fully equal to any of the "War Governors" for sagacious ability and wise accomplishments. Unlike Tod and Brough, who followed him, he had to meet conditions that were new and alarming both to the Government and people. He solved many a problem that made official life easier for his successors, and he met courageously new situations that he settled at once and forever. They never could arise to plague or puzzle those who came after.

During his term he organized twenty-three regiments for the three months' service, and eighty-two for three years. He so thoroughly pressed enlistments that Ohio raised 20,751 soldiers above her quota. He controlled and dispensed millions of dollars without any restraint save public duty and private honor. No reflection from any source was cast upon his integrity. He supervised the vast and numerous army contracts of the State with success and despatch, and no suspicion ever rested upon his conduct. His plan of occupying Western Virginia and Kentucky resulted in the rescue of the one and the forced neutrality of the other. It was a bold and far-seeing case of military wisdom.

Popular disaffection was not the sole element in Governor Dennison's retirement. There was another

and far more potential factor. This was the growing sentiment that the nominee for Governor should be a man who could command the support of all friends of the Union regardless of party affiliations. There was a large element in the Democratic party, numbered by tens of thousands, that regarded the preservation of the Union as the paramount issue, and they advocated rigorous war measures to that end. This element had manifested its patriotism in the General Assembly when it gave hearty support to the war legislation. The growing strength of the rebellion against the constitutional forces of the Union called for the coalition of all patriotic parties. What was supposed at the beginning to be a holiday outing or a three months' affair, had turned out to be a death struggle for the Union. It required the support of every man in the North for its success.

On the question of all parties uniting in the support of the Union and the prosecution of the war, there was considerable discussion among party leaders and in the party press. The radical elements in both parties objected to this movement. In the Republican ranks Joshua R. Giddings opposed it, as did his organ, the *Ashtabula Sentinel*, while the *Cleveland Leader* gave it a strong support. The extreme Democrats, led by Vallandigham, Pugh and Samuel Medary, in the *Ohio Statesman*, took strong ground against party coalition. On the other hand, the *Cleveland Plaindealer* urged that the Democrats divide their ticket with the Republicans.

The first steps toward the formation of a Union party in Ohio were taken at a meeting of the Republican

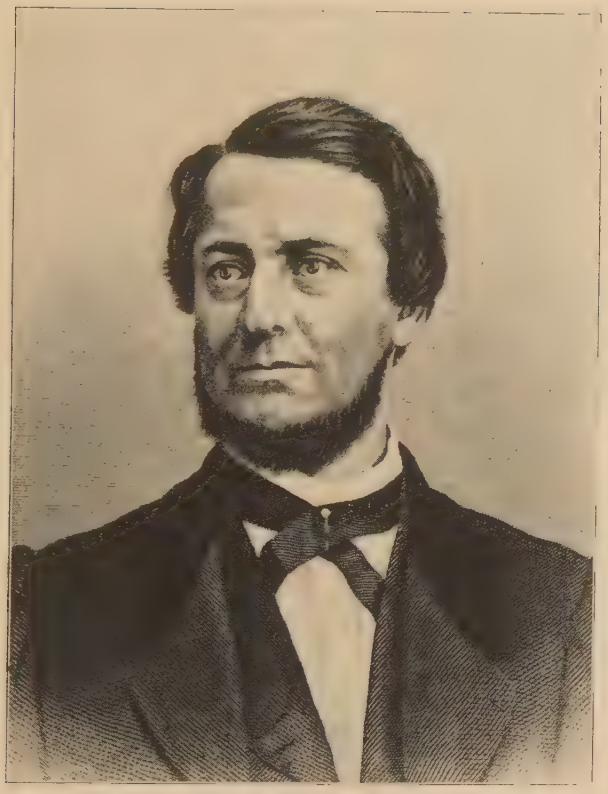
CLEMENT LAIRD VALLANDIGHAM

Born in New Lisbon, Columbiana county, Ohio, July 29, 1820; admitted to the bar, 1842; member of the Legislature, 1845-46; member of Congress, 1858-63; Democratic candidate for Governor of Ohio, 1863; died in Lebanon, Warren county, Ohio, June 17, 1871.

of the Union as the paramount issue, and they a
for the coalition of all patriotic parties. What was
a three months' affair, had turned out to be a death
struggle for the Union. It required the support of
every man in the North for its success.

On the question of all parties uniting in the
the *Ashtabula Sentinel*, while the *Cleveland Leade*
gave it a strong support. The extreme Democra
the *Ohio Statesman*, took strong ground against party
coalition. On the other hand, the *Cleveland Plain-*
dealer urged that the Democrats divide their ticke
with the Republicans.

The first steps toward the formation of a Union
party in Ohio were taken at a meeting of the Republican



State Central Committee held at Columbus, July 25. On this occasion the Committee adopted a series of resolutions declaring it inexpedient to call a convention of the Republican party for the nomination of officers to be elected at the coming election; they believed that all differences of political parties should be laid aside for a union in defense of the Government. They requested the Democratic State Central Committee to unite with the Republican Committee in a call for a joint delegate convention for the purpose of nominating a suitable State ticket. It was requested that the call should be addressed "to all who are in favor of the maintenance of the integrity of the National Government and of the vigorous and continued prosecution of the war now carried on for that purpose." It was provided that in the event of the refusal of the Democratic Central Committee to accept this proposition for union by August 9, the Republican Executive Committee was directed to issue a call to the people of Ohio for a convention of delegates without regard to party to nominate a State ticket "upon the simple basis of the maintenance of the Government and the suppression of the rebellion against it."

This proposal was not received cordially by the radical leaders of the Democracy, and to the invitation to join in the call for a non-partisan convention no answer was given. Nevertheless, a popular call signed by representative Democrats and Republicans from twenty different counties and approximating one hundred names in number was issued designating September 5, 1861, as the date for a Union convention to nominate a Governor and other State officers. A

comprehensive and non-partisan character of the convention was guaranteed by fixing the basis of representation as one delegate for each thousand of the total vote cast in each county at the last election. Thus every vestige of party organization was ignored, and the invitation, with doors wide open, was extended, in the language of the call, "to all loyal citizens of Ohio who are in favor of the maintenance of the Government, and of a vigorous and continued prosecution of the war now carried on for the suppression of the rebellion against the Government."

Pursuant to this call the Union State convention met at Columbus September 5. It was composed very largely of Republicans, but Democrats were plentiful and there were many who had not professed party affiliations for years. Former United States Senator from Ohio, Thomas Ewing, presided, saying in his opening speech: "Let all past differences among us be laid aside; our duty is to save the country. Since 1854 I have had no political home; have belonged to no party; but now I give adherence to the party of the people." There was an evident disposition on the part of the radical Republicans to concede much to the Democratic Unionists; this was apparent in the refusal of the convention to adopt as a part of the platform resolutions indorsing Federal and State administrations. This abandonment of Republican principles sorely tried such leaders as Senator Wade and John A. Bingham, both of whom tried to secure the adoption of such provisions. In like manner it must have been from deep devotion to the Union cause that the Republican delegates from the Western

Reserve consented to the renomination of Judge Scott, who had with Judge Swan held the Fugitive Slave Law constitutional. It was the intention of the Union leaders that there should be no excuse given to the friends of the war policy not to support their ticket and the suppression of the rebellion. They quoted frequently the expression of the late Democratic candidate for President, Stephen A. Douglas: "Whoever is not prepared to sacrifice party organizations and platforms on the altar of his country, does not deserve the support or confidence of honest people."

For a platform the convention adopted literally the language of a resolution passed by the National House of Representatives and introduced by John J. Crittenden of Kentucky, July 22, 1861, supplementing it by the language of a Douglas Democrat who had served as Postmaster General and Secretary of War in President Buchanan's Cabinet. This platform, which was adopted unanimously with great enthusiasm, was as follows:

"1. That the present deplorable Civil War has been forced upon the country by the disunionists of the Southern States, now in revolt against the Constitutional Government and in arms around the Capital.

"2. That in this National emergency, banishing all feeling of mere passion or resentment, we will recollect our duty to the whole country; that this war is not waged on our part in any spirit of opposition, nor for any purpose of conquest or subjection, nor for the purpose of overthrowing or interfering with the rights or established institutions of the States, but to defend and maintain the supremacy of the Constitution, and

to preserve the Union with all the dignity, equality and rights of the several States unimpaired; and that as soon as these objects are accomplished, the war ought to cease.

"3. In the language of Hon. Joseph Holt, that we are 'for this Union without conditions, one and indivisible, now and forever; for its full preservation at any and every cost of blood and treasure, against all its assailants, and against any and every compromise that may be proposed to be made under the guns of the rebels.'"

The nominee for Governor was a Democrat, David Tod, of Mahoning county. He was a native of Youngstown, born February 21, 1805. He was admitted to the bar in 1827, elected to the State Senate in 1838, and was the Democratic candidate for Governor in 1844 and 1846. He was defeated first by Mordecai Bartley and then by William Bebb. It was in one of these campaigns that he was dubbed "Pot-metal" Tod by his opponent. The issue was "hard" and "soft," or bullion or paper money—the Democrats representing the former and the Whigs the latter. In a speech the Democratic candidate said that rather than adopt paper money it would be preferable to coin our currency out of pot-metal. This was soon taken up by the Whigs and made a source of ridicule in the campaign; it became seriously believed through persistent misrepresentation that he was really in favor of coining money out of pot-metal. Medallions of Mr. Tod about the size of a dollar made from pot-metal were circulated extensively by his opponents throughout the State. It contributed largely to his defeat. The people were in a humor

to be influenced by small things, and this was an occasion when they were so affected. He served as Minister to Brazil from 1847 to 1852. He was a Douglas delegate to the Democratic convention at Charleston, and when the Southern contingent seceded from the Baltimore convention, taking with them the presiding officer, Caleb Cushing, David Tod became chairman. From the moment of the firing upon Fort Sumter Mr. Tod was among the first of the Democrats of Ohio to advocate unconditional preservation of the Union.

By the Union convention and the nomination of David Tod the Republican party went out of existence in Ohio until after the war. The Democratic party as an organization still maintained itself and continued as a partisan body to oppose the war, criticise President Lincoln's administration, and assume every form of political negation. August 7, the Democratic convention assembled and nominated Hugh J. Jewett for Governor. There was a radical difference between the candidate and the platform. He was in favor of the war to maintain the Union. He expressed this in his letter of acceptance, much to the disappointment of the rank and file of his party. At the same time the *Cleveland Plaindealer* refused to support the nominee unless he should repudiate the platform.

Notwithstanding the absence of a large number of the voters in the army, there was a large vote polled, but it was considerably less than that cast at the presidential election of the preceding year. At the election David Tod received 206,997 votes, and Hugh J. Jewett 151,774, Tod's majority being 55,223.

Chapter VIII.

OHIO IN THE CIVIL WAR
(CONTINUED)

GOVERNOR TOD'S ADMINISTRATION
SIEGE OF CINCINNATI
THE ANDREWS RAIDERS

IN the rotunda of the Capitol on January 13, 1862, with more ceremony and display than had ever attended a previous inauguration, Governor David Tod delivered his inaugural address. Its keynote was a demand for the vigorous prosecution of the war and the financial, moral and military support by Ohio of the Union cause. "In this glorious work," said he, "the people of Ohio have most nobly done their duty thus far; laying aside all party prejudices and partialities, they have more than met the calls upon them for men and money, and not content with this they are still willing and eager to meet any further demand upon their means and patriotism. Let us look to it, then, that in our actions we do not disappoint the expectations they entertained when, laying aside all considerations except a determined, vigorous and liberal support of the National Government, they committed to our hands the vast responsibilities now resting upon us. Ohio must in all time to come be able to claim for herself her just share of the burden and glory of putting down the rebellion."

With these and other like declarations of loyalty to the Government, Governor Tod assumed his office, never realizing that his Administration would be more tempestuous than that of any of the other "War Governors." He little anticipated the herculean task before him; nor could he foresee that his State would be strained by internal strife to the point of civil war, or that it would be invaded and terrified by the armed bands of the Southern Confederacy.

Up to this time no great battles had been fought, and the losses in the field were not such as to deeply

impress the people of Ohio. The shock of Bull Run and the victorious campaign in Western Virginia only served to increase their determination and patriotic endeavors. But the battle of Shiloh, or Pittsburg Landing, fought on Sunday and Monday, April 6 and 7, 1862, brought war in all its sanguinary horrors to the hearthstones of Ohio. In this battle the young men of the State to the number of 14,688, or twenty-two and one half per cent. of the Union forces, were engaged. The killed and wounded from Ohio were 1,955, or fifteen per cent. of the Union losses. The Ohio organizations that participated in the battle were as follows: Infantry regiments: First, Sixth, Thirteenth, Fifteenth, Nineteenth, Twentieth, Twenty-Second, Twenty-Fourth, Forty-First, Forty-Sixth, Forty-Eighth, Forty-Ninth, Fifty-Third, Fifty-Fourth, Fifty-Sixth, Fifty-Seventh, Fifty-Eighth, Fifty-Ninth, Sixty-Fourth, Sixty-Fifth, Sixty-Eighth, Seventieth, Seventy-First, Seventy-Second, Seventy-Sixth, Seventy-Seventh, Seventy-Eighth, and Eighty-First; the Fifth Cavalry; the Fifth, Eighth, and Fourteenth independent Batteries; and Batteries A and G, First Light Artillery.

When the first news of the battle and its awful carnage reached Columbus, Governor Tod took immediate steps for the care and succor of the Ohio troops, and everything that prompt and energetic action could do was inaugurated for their relief. Steamboats were chartered and physicians with large sanitary supplies were started from Cincinnati under authority of the Governor. The Sanitary Commission at Cincinnati also chartered steamboats to visit the battle-

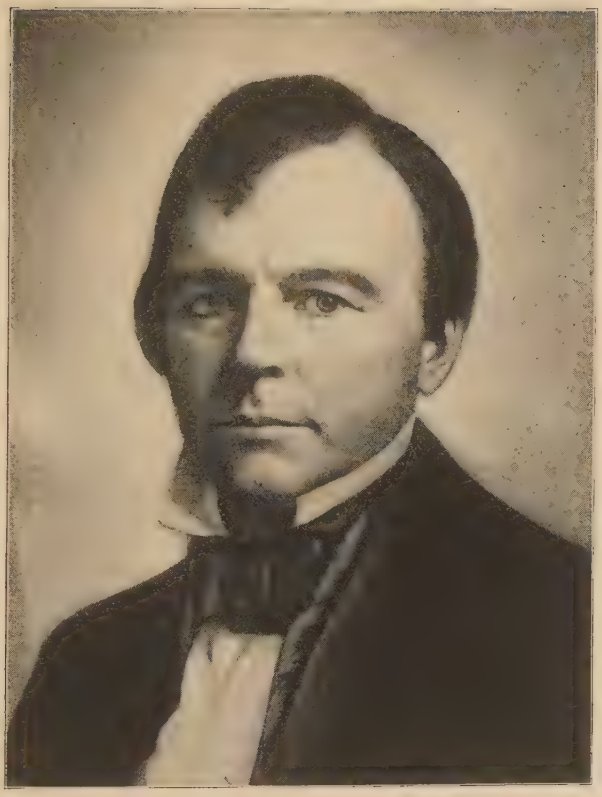
DAVID TOD

From a painting by T. C. Crawford in the Capitol in Columbus.

Born in Youngstown, Ohio, February 21, 1805; admitted to the bar, 1827; elected to the State Senate, 1838; unsuccessful candidate for Governor, 1844; appointed Minister to Brazil, 1847, and served five years; Governor of Ohio, 1862-63; died November 24, 1868.

men of the State to the number of 14,688, or twenty engaged. The killed and wounded from Ohio were 4,955, or fifteen per cent. of the Union losses. The Ohio organizations that participated in the battle were as follows: Infantry regiments: First, Sixth, Thirteenth, Fifteenth, Nineteenth, Twentieth, Twenty-Sixty-Fourth, Sixty-Fifth, Sixty-Eighth, Seventieth, Seventy-First, Seventy-Second, Seventy-Sixth, Seventy-Seventh, Seventy-Eighth, and Eighty-First; the Fifth Cavalry; the Fifth, Eighth, and Fourteenth independent Batteries; and Batteries A and G, First Light Artillery.

When the first news of the battle and its awful carnage reached Columbus, Governor Tod took immediate steps for the care and succor of the Ohio troops, and everything that prompt and energetic action could do was inaugurated for their relief. Steamboats were chartered and physicians with large sanitary supplies were started from Cincinnati under authority of the Governor. The Sanitary Commission at Cincinnati also chartered steamboats to visit the battle-



field with surgeons, nurses—including ten Sisters of Charity—and stores. Mayor Hatch, for the city of Cincinnati, equipped another boat, and on Governor Tod being advised of his action, promptly telegraphed that the State would assume all expense and that he had selected thirty volunteer surgeons who would reach Cincinnati in time for the passage to the battlefield. The result of this action was that the wounded were brought back to the hospitals at Camp Dennison and other points in Ohio and tenderly cared for. For all this work the State paid out $49,721.60, this being, as shown by the Governor's message of January 5, 1863, the expense of eleven steamboats, surgeons, nurses and sanitary supplies.

After the battle a portion of the public press, particularly the Chicago newspapers, published charges of cowardice and misconduct on the part of certain Ohio regiments on the field. Other attacks were made on Generals Grant and Sherman. All of these charges proved to be without foundation upon investigation. In defense of the Ohio troops Senator John Sherman offered a resolution in the United States Senate calling for copies of all the official reports from all the officers in the field. On May 9, 1862, thirty days after the battle, Senator Sherman reviewed in the Senate the conduct of the Ohio troops at Shiloh. The regiments denounced by the press were the Fifty-Third, Seventy-First, and Seventy-Seventh, commanded respectively by Colonels Appler, Mason and De Haas. Senator Sherman in his speech critically examined all the charges and read personal letters from the commanding Generals. He took up in detail the move-

ments and operations of the different Ohio regiments and conclusively proved that the charges of cowardice and misconduct against the Ohio regiments were malignant, false, and without any substance or foundation.

The general disappointing results of the war this year —more particularly the failure of McClellan's Peninsular Campaign and the inactivity of the Union forces in the Southwest—prompted President Lincoln to make further demands on the Nation. Accordingly, July 2, 1862, he called for three hundred thousand men, and again, on August 4 following, for three hundred thousand more. The quota of Ohio under these calls was 74,000. At this time there were already voluntarily enlisted in the service of the United States 115,200 men from Ohio, and of these 60,000 were in the field for three years. In order to secure further enlistment Governor Tod resorted to extraordinary means of inducement. It was at this time that Ohio commenced paying local bounties, which continued until the end of the war, and for which there were paid in that period over fifty millions of dollars. Notwithstanding all these efforts, a draft was necessary. Conscription for military services has always been unpopular among Americans, and the draft was therefore regarded as discreditable. Although the number drafted amounted to 12,251, but 2,400 were secured for the service. This was due to the facts that 4,800 either in person or by substitute volunteered after the draft, 2,900 were discharged for various reasons, and 1,900 fled their jurisdiction and could not be found.

It was apparent to Governor Tod that there were some anti-war influences operating to deter enlistments. This was ascribed to the speeches and writings of radical Democratic politicians and editors. Under the authority of the President's proclamation suspending the writ of *habeas corpus*, Governor Tod determined to arrest those who were discouraging enlistments by expressions antagonistic to the Government and the prosecution of the war. The first arrest made was that of a leading Peace Democrat, Dr. Edson B. Olds of Lancaster. It was made at the direct instance and request of the Governor, for on July 29, 1862, we find him writing to Secretary of State Seward: "I have most satisfactory evidence that Edson B. Olds, a former member of Congress, is doing all the mischief he can. He is a shrewd, cunning man, with capacity for great mischief, and should at once be put out of the way. I have, therefore, to advise that you direct Marshal Sands to arrest him and confine him at Fort Warren, at least, until I shall have succeeded in raising my regiments." Dr. Olds was accordingly arrested for disloyalty, preventing enlistments and treasonable utterances. Other arrests of prominent Democratic editors soon followed.

The military arrests of 1862 formed a subject for the gravest protests on the part of the Democrats. They claimed that they were arbitrary, cruel and unconstitutional, and an unwarranted and tyrannical exercise of power. They declared that the arrest, by alleged military authority, of citizens "for no other pretended crime than that of uttering words of legitimate criticism upon the conduct of the Adminis-

tration in power" was a palpable violation of the Constitution. The answer of Governor Tod was that this exercise of military power was necessary to enable the State authorities to raise its quota of troops; that these men were interfering with the defense of the Government in its struggle for existence, and that consequently their utterances and acts were treasonable. A full examination of these arrests was made by the House of Representatives of the General Assembly which followed, and assembled January 5, 1863. The result of this inquiry was published as the "Report of Select Committee on Military Arrests," and may be found as the Appendix to House Journal for 1863. It is one of the most important and interesting State publications of that period. It was made by a special committee of the House of Representatives and covers all the facts connected with these arrests. This committee consisted of William H. West, P. Odlin, Thaddeus A. Reamy and John Bartram.

The report considers in detail the cause and method of the arrests, and in every case they report that they were necessary to the safety of the Government, and that the offending parties were giving aid and comfort to the enemy in the field. The committee, answering the cry of "wholesale arrests," said: "But eleven citizens of the two and one-half millions have been restrained of their liberty, and that for a short time." The testimony taken by the committee shows that during the summer and fall of 1862 the following persons were arrested by military authority, viz.: Edson B. Olds of Fairfield county; Peter N. Reitzel and Archibald McGregor of Stark county; Judge L. W.

Hall and Daniel Tuttle of Crawford county; John W. Kees of Pickaway county; Daniel M. Allen of Columbiana county; Samuel Flowers and Bethuel Roberts of Champaign county, Warren Stanton of Ashtabula county, and Alexander Wallace of Brown county.

In the summer of 1862 General John H. Morgan, a daring Confederate raider, marched through the interior of Kentucky and made a feint of attacking Cincinnati. The Queen City was unprotected in any way, and for a while the panic-stricken citizens were all convinced of the danger to their city. Public meetings were called, and every preparation was made for defense. Governor Tod sent arms and soldiers, and these with the Cincinnati police force were sent to Lexington, Kentucky, to impede the enemy's advance. But Morgan retired, and the citizens of Cincinnati regained their feeling of safety, only to be aroused from their sense of security later, and to find out in what real danger their city was.

Late in August the Confederate General Kirby Smith, with twenty thousand men and forty pieces of artillery, invaded Kentucky from Tennessee. On September 1, he occupied Lexington and from this point, two days later, he dispatched General Heath with five thousand men against Covington and Cincinnati. The condition of public furor created by this menacing march to the Ohio border can well be imagined. The exposure of a Northern city of a quarter of a million people, with defenseless surroundings, might be the occasion of a National calamity. Cincinnati met the exigency with great courage and calmness. There was no panic or flight from the city.

The City Council met and pledged the faith of the city to meet any expense desired by the military authorities, authorized the Mayor to suspend all business, and call every man in the city to its defense. General Horatio G. Wright, the Department Commander, was requested to call for all the men and money to defend the city.

General Lewis Wallace, a young officer from Indiana who was in Kentucky commanding a volunteer regiment from his own State, was ordered by General Wright to defend Cincinnati and her Kentucky suburbs, Newport and Covington. It was nine o'clock in the evening when General Wallace arrived at Cincinnati, and at two o'clock the next morning he issued an order declaring the three cities under martial law. This prompt and vigorous proclamation was received with obedience by the people. It commanded all business houses to close that morning at nine o'clock; at ten o'clock all the citizens were to assemble in convenient public places to receive orders for the work to be performed. "The principle adopted is: citizens for labor, soldiers for the battle," read the proclamation. Although the military force in the cities was not sufficient to enforce these orders if the same was necessary, the citizens cheerfully and loyally obeyed them to the letter. That morning there were meetings in every ward, and before noon there were thousands of citizens drilling, and thousands more were back of Newport and Covington commencing a series of breastworks and fortifications.

By the next morning a pontoon bridge had been constructed across the Ohio River, and long trains of

men and wagons were bearing material and guns for the newly made defenses.

Governor Tod started from Columbus when General Wallace reached Cincinnati, and the next morning, September 2, found General and Governor in consultation. Then followed Governor Tod's famous appeal to the citizens of Ohio for the defense of Cincinnati and the southern border. In response came a body of minute-men such as answered the call of Paul Revere. They came by twos, and dozens, and hundreds; organized and unorganized; with and without uniforms. So many came clad in their homespun, with powder-horn and buckskin pouch, that they were called the "Squirrel Hunters," a name officially recognized afterward by the Legislature. These citizen-soldiers came with a rush from all over the State. Governor Tod had ordered all railroad companies to carry any armed men or bodies of men to Cincinnati who would say on their honor that they were going to its defense, and the State would pay the bill.

On September 4, Governor Tod telegraphed from Columbus to General Wright: "I have now sent you for Kentucky twenty (20) regiments. I have twenty-one (21) more in process of organization, two of which I will send you this week, five or six next week, and the balance the week after, provided I can get arms and equipments." Fully fifty thousand were ready to march to Cincinnati in case they were needed, but Governor Tod checked the movement on September 13, when it became known that General Kirby Smith had retreated the day before. To Edwin M. Stanton, the Secretary of War, Governor Tod, on the date

mentioned, sent this telegram: "The minute-men or 'Squirrel Hunters' responded gloriously to the call for the defense of Cincinnati. Thousands reached the city, and thousands more were en route for it. The enemy having returned, all have been ordered back. This uprising of the people is the cause of the retreat. You should acknowledge publicly this gallant conduct."

Thus ended the "Siege of Cincinnati"; the Confederate forces, numbering about twelve thousand, were before the city eight days. There is no doubt whatever but that the preparations made for the enemy's reception prompted his withdrawal and retreat.

General Wallace, upon taking leave of the city, issued the following address:

"To the People of Cincinnati, Newport and Covington:

"For the present, at least, the enemy have fallen back, and your cities are safe. It is the time for acknowledgments, and I beg leave to make you mine. When I assumed command there was nothing to defend you with, except a few half-finished works and some dismounted guns; yet I was confident. The energies of a great city are boundless; they have only to be aroused, united and directed. You were appealed to. The answer will never be forgotten.

"Paris may have seen something like it in her revolutionary days, but the cities of America never did. Be proud that you have given them an example so splendid. The most commercial of people, you submitted to a total suspension of business, and without a murmur adopted my principle—'Citizens for labor, soldiers for battle.'

"In coming time, strangers, viewing the works on the hills of Newport and Covington, will ask, 'Who built these intrenchments?' You will answer, 'We built them.' If they ask, 'Who guarded them?' you can reply, 'We helped in thousands.' If they inquire the result, your answer will be, 'The enemy came and looked at them, and stole away in the night.'

"You have won much honor; keep your organizations ready to win more. Hereafter be always prepared to defend yourselves.

"Lewis Wallace,
"Major General Commanding."

An event that is inseparably connected with Ohio's part in the Civil War occurred in April, 1862, in the heart of the Southern Confederacy. This was an expedition organized under the authority and by the direction of General Ormsby M. Mitchel, having for its purpose the destruction of railroad communication between Atlanta and Chattanooga on the Georgia State Railroad. This was to be accomplished by reaching a point on the road where a locomotive and train of cars could be seized, and by a dash back in the direction of Chattanooga, burn the railroad bridges and otherwise destroy the railroad. Judge Advocate General Holt, in his official report to the Secretary of War, said: "The expedition, in the daring of its conception, had the wildness of romance; while in the gigantic and overwhelming results it sought and was likely to obtain, it was absolutely sublime."

In order to appreciate these words and to have a better understanding of the far-reaching results that would flow from the success of the perilous enterprise,

we will be compelled to examine the military situation at that time. In the East General McClellan was marching on Richmond, and in the West General Grant had won Fort Donelson; this defeat caused the Confederates to abandon Kentucky and Eastern and Middle Tennessee. The Union army followed up this favorable situation and advanced by transports and gunboats up the Tennessee River as far as Pittsburg Landing. To meet this the Confederates were using every effort to concentrate sufficient troops under Generals Johnston and Beauregard to crush General Grant's army before it marched farther south. Consequently, troops and supplies were furnished plentifully and speedily, and the State of Georgia was the most fruitful source of this constant supply of both. The route over which these levies and assistance came was the Memphis and Charleston Railroad. Corinth, Mississippi, where the Confederates lay, is on this road, as is also Chattanooga, with the full width of the State of Alabama between them. From Chattanooga south to Atlanta the traffic was over the Georgia State Railroad.

Over this road Georgia and the South sent aid, both men and supplies, to the Confederates who were getting ready for battle at Corinth. They also used the road in connection with the East Tennessee and Virginia Railroad by way of Chattanooga, for transportation of assistance to Richmond and also to Cumberland Gap, then threatened by General George W. Morgan, of Mt. Vernon, Ohio, with a division of the Union army. It is apparent from these facts that the Georgia State Railroad, which intersected at

Chattanooga the roads running to Virginia on the east and to Corinth on the west, was the most necessary and potential factor to the Confederates. As a means of transporting and distributing troops and supplies in a short time when most needed, it was absolutely essential, in order to resist the Union armies under Grant in the West and McClellan in the East.

General Mitchel saw the vast benefit to the Union cause that would result from the destruction of this great artery of supplies to the Confederates. He saw also that it would be too hazardous to attempt this with a large force, as it would take his army hundreds of miles from its base of supplies. J. J. Andrews of the secret service of the United States, who had recently visited Atlanta and other points in the Confederacy, was positive that the railroad could be destroyed by a small secret expedition. He laid his plans before General Mitchel, who approved them. At the same time the General realized the dangers of the project; but the results charmed him, for he knew that it would, if successful, create terror and dismay in the South, and that it would separate the Confederate armies. General Mitchel advised Andrews that failure meant capture, and capture meant death. He gave him permission to make his audacious attempt provided he could find twenty men in the division to accompany him on his perilous journey. The detail was easily secured from three Ohio regiments in General Sill's brigade. Without any knowledge of the nature of their service or their destination the following were selected: William Knight, Co. E; Wilson W. Brown, Co. F; Mark Wood, Co. C; J. A. Wilson, Co. C; John R. Porter, Co. C;

Robert Buffum, Co. H; William Bensinger, Co. G; John Scott, Co. K; and Sergeant E. H. Mason, Co. K, all of the Twenty-First Ohio; Daniel A. Dorsey, Co. H; Martin J. Hawkins, Co. A; John Wollam, Co. C; Jacob Parrott, Co. K; Corporal William Reddick, Co. B; Samuel Robertson, Co. G; and Samuel Slavens, Co. G, all of the Thirty-Third Ohio; Captain William Pittenger, Co. G; George D. Wilson, Co. B; Marion A. Ross, Co. A, Sergeant Major of the Regiment; and Perry G. Shadrack, Co. K, all of the Second Ohio. In addition to these was William Campbell, from Salineville, Ohio, not in the service, but temporarily a resident of Kentucky.

Andrews, the leader of the expedition, was a fine specimen of manhood, nearly six feet in height, of powerful frame, black hair and long, black, silken beard, Roman features, a high expansive forehead and a voice fine and soft as a woman's. He combined intellect and refinement with a cool dauntless courage that quailed under no difficulty or danger. The young men from Ohio were nearly all farmer boys of intelligence and bravery. It was enough for them to know that they were about to dare and suffer for their country. They had no idea that they were about to engage in the most tragic and thrilling episode of the Civil War.

On the night of April 7, the day that Shiloh was fought and won, General Mitchel met Andrews and his men in a secluded spot outside the town of Shelbyville, Tennessee. The object of the expedition was by him fully explained to all for the first time. He wanted them to penetrate the Confederate lines to Marietta,

EDWIN McMASTERS STANTON

Born in Steubenville, Ohio, December 19, 1814; admitted to the bar, 1833, and began practice in Cadiz, Ohio; elected Prosecuting Attorney of Harrison county, 1837; returned to Steubenville, 1839, and was reporter of the Ohio Supreme Court, 1842-45; removed to Pittsburg, Pennsylvania, 1848, and to Washington, D. C., 1857; Attorney-General of the United States under Buchanan, December 20, 1860; appointed Secretary of War by Lincoln, January 15, 1862, and continued throughout Lincoln's administration and a part of Johnson's; appointed by President Grant Justice of the United States Supreme Court, December 20, 1869; died in Washington, December 24, 1869.

EDWIN McMASTERS STANTON

Born in Steubenville, Ohio, December 19, 1814; admitted to the bar, 1833, and began practice in Cadiz, Ohio; elected Prosecuting Attorney of Harrison county, 1837; returned to Steubenville, 1839, and was reporter of the Ohio Supreme Court, 1842-45; removed to Pittsburg, Pennsylvania, 1848, and to Washington, D. C., 1857; Attorney-General of the United States under Buchanan, December 20, 1860; appointed Secretary of War by Lincoln, January 15, 1862, and continued throughout Lincoln's administration and a part of Johnson's; appointed by President Grant Justice of the United States Supreme Court, December 20, 1869; died in Washington, December 24, 1869.

President of Kentucky.

Andrews, the leader of the expedition, was a fine [illegible] of manhood, nearly six feet in height, of [illegible] frame, black hair and long, black, silken [illegible], Roman features, a high expansive forehead and [illegible] fine and soft as a woman's. He combined [illegible] and refinement with a [illegible] dauntless courage that quailed under no difficulty or danger. The young men from Ohio were nearly all farmer boys of intelligence and bravery. It was enough for them to know that they were about to dare and suffer for their country. They had no idea that they were about to engage in the most tragic and thrilling episode of the Civil War.

On the night of April 7, the day that Shiloh was fought and won, General Mitchel met Andrews and his [illegible] in a secluded spot outside the town of Shelbyville, Tennessee. The object of the expedition was by him fully explained to all for the first time. He wanted [illegible] to penetrate the Confederate lines to Marietta

Georgia, then to seize by some means a train of cars and run northward to the Union lines, burning all the bridges behind them and destroying the railroad so as to prevent pursuit and break all communication with the South. One of those present has written ("Adventures of Alf. Wilson," by John A. Wilson, Toledo, 1880) of this interview: "This business over, the good old General took us each by the hand and with tearful eyes bade us good-bye, saying as he did so, that he feared he should never see us again." After instructions from Andrews, the band divided into small squads, and were told by their leader "to travel east into the Cumberland Mountains, then south to the Tennessee River. You can cross the river and take passage on the cars at Shell Mound or some station between that and Chattanooga on the Memphis and Charleston Railroad. You must be at Chattanooga not later than Thursday afternoon, and reach Marietta the same evening, ready to take passage northward on the train the next morning. I will be there with you or before you and will then tell you what to do." With these last words, the band divided and started on a journey that was to shock the Confederacy. They had discarded their uniforms and wore citizens' clothes. Andrews provided them with funds, in Confederate money, to meet all expenses. They were to explain to all inquirers that they were Kentuckians, disgusted with Union rule in their State, on their way to Chattanooga to enlist in the Southern army. They were finally advised that if it became necessary to enlist to carry out their representations, they were to do so.

On the eleventh, after a tramp in snow and rain, over the mountains through the enemy's country, the little parties met at Chattanooga, and, purchasing tickets for Marietta, they arrived at that place about midnight. On retiring at the hotel, they gave orders to be awakened at four o'clock in the morning and until then they slept soundly. Before daybreak, all were aroused except Porter and Hawkins who failed to fee the servant to perform this service. They were consequently left behind to be captured later. Prior to action, Andrews gathered his Spartan band in his room for final conference and instruction. The plan outlined was for all to board the express train as passengers; in order not to attract attention tickets were to be bought to various points on the road. The place of action, however, was fixed at Big Shanty, a station on the road, eight miles north of Marietta. This place was selected because it had no telegraph office and also because it was an eating station at which passengers were given "twenty minutes for breakfast." It was during this period, while engineer, fireman, conductor and passengers were at their meal, that the train was to be seized. The other reason why Big Shanty was determined upon was indeed a bold one. Here was Camp McDonald, and ten thousand Confederate soldiers were in plain sight of the station. Andrews reasoned that a plan like his would be wholly unsuspected and unexpected, and he was sure that the departure of the engine would be regarded by the soldiers as simply a part of railroading.

All these things being settled Andrews said: "When the train stops at Big Shanty for breakfast, keep your

places until I tell you to go. Get seats near each other in the same car, and say nothing about the matter on the way up. If anything unexpected occurs, look to me for the word. You and you," designating Brown and Knight, who were engineers, and Alfred Wilson, "will go with me on the engine; all the rest will go on the left of the train forward of where it is uncoupled, and climb on the cars in the best places you can, when the order is given. If anybody interferes shoot him, but don't fire until it is necessary."

The express from Atlanta rolled into the station on time; it was packed with passengers and was hauled by a fine locomotive. Andrews and his Ohio boys, all cool and resolute, quietly took their seats under instructions. The train slowly pulled out and they waited for the decisive moment to arrive. Presently came the shrill whistle of the locomotive, then a slowing up, then a stop. The conductor had already cried out, "Big Shanty! Twenty minutes for breakfast!" Then he, the engineer, fireman and the crowd of passengers all poured in hot haste into the restaurant. The time for action had arrived!

When the crowd was pouring out of the car Andrews and Knight moved first, and getting off on the side opposite the depot, walked forward to the engine and saw that the cab was empty; then they walked ahead far enough to see that the track beyond was clear. Turning backward they passed the locomotive, its tender and three empty box cars, when Andrews quietly said, "Uncouple here," and Knight pulled out the pin and laid it on the draw bar. Going to the car, where the balance of his men were seated, Andrews

said quietly, "Come on, boys; it is time to go now." They arose, and without attracting the attention of the few passengers who had not left the car for breakfast, they went forward and leaped into one of the box cars. Brown, Knight and Wilson sprang on the engine; Andrews was the last to mount the cab. As he stepped aboard he nodded to Knight, who pulled the lever and threw on a full head of steam; it took a moment before the wheels "bit," then the train went off at a frightful rate of speed.

The crowd left behind, gazed at the fleeing train with dumfounded confusion. Half a mile out the engine came to a dead stop, owing to the exhaustion of steam and fire. In the meantime the troops had started for the train, but by the time they came within forty rods of it the engine was again on its way. During this forced stop while the fireman was feeding the furnace with wood and oil, Scott with coolness and agility climbed the telegraph pole and cut the wires. At Kingston, a junction of a branch road from Rome, Andrews stopped to allow a regular freight to pass; he discovered by a red flag signal that another train was to follow. In the meantime let us return to Big Shanty.

When the kidnapped train moved out, the conductor, W. A. Fuller, was at breakfast, and when he heard escaping steam he knew something was wrong. He with the engineer and the trackmaster jumped from their table and ran after the disappearing train. To the crowd and the soldiers the idea of running to catch a locomotive was ridiculous, and jeers and laughter followed the pursuers. But they kept on

until about two miles out, when they found a hand-car, which they drove up to the Etowah River, where they found an engine fired up and ready for use. It belonged to the Rome division and was a much better engine than the one pursued. Now came the race for life or death; for success and fame on the one hand, or an ignominious fate on the other. Andrews and his Ohio heroes knew that they were pursued and their locomotive was given a full head of steam; the engineer stood with his hand on the lever with the throttle wide open. The powerful engine leaped forward like a hound; then it rocked and reeled like a drunken man, while the men in the box car "tumbled from side to side like pop-corn in a frying-pan." A stream of fire ran from the wheels. It sped past stations, houses and fields; bystanders looked on with fear and horror. Between Adairsville and Calhoun the nine miles was made in seven and a half minutes, and this was not the Twentieth Century Limited, but a train on a Southern railroad fifty years ago! At one point the raiders stopped to take up a rail, but the shriek of a pursuing whistle warned them onward again. Closely pursued they dropped one of their cars, as an obstruction, but Fuller's engine was reversed in time to prevent a collision; the box car was coupled to the front of the engine and pushed forward.

The wild chase was kept up until, nearing Chattanooga bridge, it was determined to stop and set fire to it; the last box car was uncoupled and left on the bridge to start the blaze. It was soon in flames, but the bridge was too wet to burn. The pursuing engine steamed onto the bridge and pushed the burning

car ahead until it was side-tracked. This was disheartening; it was now apparent that the expedition was a failure and the only action left was to fight or flee. The last effort to escape was made by a new burst of speed; but all resources had been exhausted. There was nothing aboard to throw off to obstruct the track, and no water, wood or oil for steam or fire. The engine that had made the fearful race was now almost dead; the joints were loose, the journals and boxes were melted and the steel tires red hot. As a farewell attempt at thwarting the pursuit, the engine was reversed for the purpose of collision with the on-coming train, but in vain—the engine was dead. Then Andrews gave the order "jump and scatter."

"The expedition thus failed," says Judge Holt, "from causes which reflected neither upon the genius by which it was planned, nor upon the intrepidity and discretion of those engaged in conducting it." If the conduct of the heroes was that of courage in their bold raid, the subsequent events of flight, escape, sufferings and death exhibited a moral bravery truly sublime. Scattered in all directions, they were hunted by men and hounds from Richmond to the Gulf of Mexico. The South was thrown into a fever of frightened anxiety, for they knew not when another plan of destruction would develop. At the same time there was rejoicing at the thwarting of the bold project, for it meant incalculable injury to the Confederate cause. An estimate of its far-reaching character was published in the *Southern Confederacy*, April 15, a few days after the chase and flight: "The mind and heart shrink back appalled at the bare contemplation of the

awful consequences that would have followed the success of this one act. We doubt if the victories of Manassas or Corinth were worth as much to us as the frustration of this grand *coup d'etat.* It is not by any means certain that the annihilation of Beauregard's whole army at Corinth would be so fatal a blow to us as would have been the burning of the bridges at that time by these men."

In time the whole party of twenty-two were captured. Words revolt at describing their sufferings in captivity. The heroic conduct of Jacob Parrott is a striking example. This young man, eighteen years of age, the junior of the band, when arrested, was, without trial, taken possession of by a military officer and four soldiers who stripped him, bent him over a stone and inflicted a hundred lashes with a rawhide on his bare back. This was done in the presence of an inflamed mob who clamored for his blood, and had a rope ready to hang him. The object of this scourging was to force the young man to confess the object of the expedition and the names of his comrades, especially that of the engineer who ran the train. Three times in this horrible flogging its progress was suspended and Parrott asked if he would confess, but resolutely to the last he refused a word to his tormentors until finally the brutal work was abandoned. The captives were held in the negro jail at Chattanooga, a black hole, thirteen feet square, half under ground, with not enough room for all to lie down. While here Andrews was tried, and, subsequently, June 7, was hung at Atlanta. Twelve were afterward removed to the prison at Knoxville, Tennessee, at which place

seven were tried, and they also were afterward, June 18, hung at Atlanta; these were William Campbell, George D. Wilson, Marion A. Ross, Perry G. Shadrack, Samuel Slavens, Samuel Robertson and John Scott.

The reader who desires to know more of the details of this heroic episode than these pages give, can find them in a report of the Judge Advocate General to the Secretary of War dated March 23, 1863, and published in the official Government records. For a fuller historical and personal narrative, remarkable for its completeness and interest, William Pittenger, one of the raiders, has written "The Great Locomotive Chase. A History of the Andrews Railroad Raid into Georgia in 1862" (New York, 1893).

The trials and tribulations of the survivors were protracted by a long and dreary imprisonment after the death of their comrades. The next important turn in events was on October 16, 1862, when the following escaped: Wilson W. Brown, William Knight, John R. Porter, Martin J. Hawkins, Mark Wood, J. A. Wilson, John Wollam and Daniel A. Dorsey. Nearly a year after the inception of the adventure, March 18, 1863, the six remaining in prison at Richmond were exchanged; they were Jacob Parrott, Robert Buffum, William Bensinger, William Reddick, E. H. Mason, and William Pittenger.

To commemorate this most fascinating and dangerous mission of the Civil War, through which these brave Ohio boys gave their lives in the service of the Union, the State of Ohio appropriated five thousand dollars, March 20, 1889, to erect in the National Cemetery at Chattanooga a monument over their

graves. There, over eight mounds, has been raised a characteristic memorial to the gallant and martyr dead. On a noble pedestal of Vermont marble stands in bronze a facsimile of the locomotive on which the raiders made their fateful ride. With names, companies and regiments of the executed, escaped and exchanged, is the inscription, "Ohio's Tribute to Andrews' Raiders, 1862. Erected 1890." Governor Joseph B. Foraker appointed the commission to erect the monument. It was selected from the three regiments of General Sill's brigade from whose ranks the members of the expedition were selected. This commission consisted of Judge Thaddeus Minshall, a captain of the Thirty-Third Ohio Infantry, and at the time of his appointment a Justice of the Supreme Court of Ohio; Earl W. Merry, sergeant major of the Twenty-First Ohio Infantry, and Stephen B. Porter, a sergeant in Co. B, Second Ohio Infantry. On the beautiful Memorial Day of 1891 the surviving raiders with ten thousand people assembled to dedicate the monument.

Former Governor Foraker delivered the address of the occasion, eloquently detailing the story of the expedition. After commenting on the glory of a united country and a patriotic North and South, he said:

"The one great thought that lies at the bottom of every such demonstration as this, is that of profound gratitude to the men who saved us, and supreme thankfulness to Almighty God for the great blessings that have come to our whole Country through the victory of the Union armies. This sentiment grows with the years and with our increasing greatness and prosperity as a people. Time therefore but makes

more manifest our duty to all who periled and sacrificed their lives for these priceless results. But upon these particular men fell an uncommon misfortune. They not only lost their lives, but they lost them in such a way as to place a stigma upon their memory.

"Ohio is here to-day to remove that stigma. By this action she reclaims them from all imputation of crime, and effaces forever the ignominy of a felon's death. She proclaims to the world and future generations that they were not thieves nor marauders, but brave and honorable men and soldiers; that their punishment was unmerited, and that their names shall shine on the roll of honor among the brightest of all that illumine the pages of our history."

Recurring to the domestic situation in Ohio in the summer and fall of 1862, we find a strange political revolution in action. The radical Republicans in the Union party were growing restless under the conservative principles of the new party. There was a decided sentiment freely expressed by this section that the Republicans should rehabilitate their old party and adopt the principles of the National conventions of 1856 and 1860. *The Ashtabula Sentinel*, the organ of Joshua R. Giddings and Senator Wade, vigorously advocated this, as did the *Cleveland Leader*. Nevertheless, the conservative view prevailed, and a call for a Union convention was issued which was short and formal. It provided for exactly the same number of delegates as were in the Union convention of the previous year, with the same apportionment. When the convention assembled, it adopted a platform of four brief resolutions, declaring (1) adherence to the

opinions and principles put forth in the Union convention of September 5, 1861, held at Columbus, (2) expressing undiminished confidence in the National Executive, and pledging to his support all the moral and physical power of the State in prosecuting the war, (3) approving Governor Tod's administration, and (4) eulogizing the promptness of Ohio enlistments for the war. The Democrats had assembled in State convention in July, and this platform was almost wholly devoted to denouncing President Lincoln's Emancipation Proclamation.

The Democrats carried the election, and their candidate for Secretary of State received a majority of 5,557. The Union leaders ascribed their defeat to the loss of the soldier vote, claiming that of the 80,000 voters in the field a large majority would have voted the Union ticket. This, of course, cannot be accurately known. But there is no doubt that other important considerations also affected the result. The Emancipation Proclamation was not approved heartily by many of the Union party; many of the Republicans in the Western Reserve were not in accord with some of the acts of President Lincoln, notably his removal of General John C. Fremont. In the congressional elections, although the State had been redistricted by the Union party to its own advantage, it elected but five out of the nineteen Congressmen. There was one conspicuous figure, however, that failed to share in this victory. This was Vallandigham, who was defeated for reëlection for Congress, due to the addition under the gerrymander of Warren county to his old district.

To all appearances Ohio had reversed her judgment on the prosecution of the war, and the result of the election filled the Union party in the State with discouragement.

Chapter IX.

OHIO IN THE CIVIL WAR
(CONTINUED)

THE VALLANDIGHAM CAMPAIGN OF 1863
ELECTION OF JOHN BROUGH, GOVERNOR

WITH the year 1863 there came a new situation in Ohio in relation to the war. It appeared that a great deal of the patriotic enthusiasm prevalent a year before had gradually subsided. There was a cessation of Union progress in the field, as there had been in Ohio, as the election showed. Such depressing conditions had their effect on the popular mind. Grant was unsuccessfully beleaguering Vicksburg, Maryland was invaded by the Confederates and they were threatening Pennsylvania. Rosecrans had been inactive since Murfreesboro. These situations encouraged the Peace Democrats of Ohio and correspondingly discouraged the Union party. They afforded a fruitful field for the agitators of discontent and fault-finding. In the chorus could be heard the voices even of some of the Union party who were opposed to Lincoln's emancipation proclamations, the preliminary one issued September 22, 1862, and the final one January 1, 1863. The latter feeling however, was temporary, and it soon disappeared when calm judgment regained control in the Union party.

The leader of the pessimists of the time was Clement L. Vallandigham. He gloried in the depressed prospects of National success in the field, and hailed with joy its losses at the polls. His personal defeat stimulated his opposition and his feeling was not less acute because it was a Union General, Robert C. Schenck, who had been selected to succeed him in Congress. When he returned to Washington to attend the last session of the Thirty-Seventh Congress, he assumed a more hostile attitude to the Administration and prosecution of the war than ever before.

This was declared in a speech of great power, of surpassing ability and eloquence, delivered in the House of Representatives January 14, 1863. As the greatest speech of his whole life of opposition, it was circulated both in this country and Europe. His subject, "The Great Civil War in America," afforded him the opportunity of discussing the perilous situation of the country in all its phases. It was a pessimistic philippic against the prosecution of the war, and a bitterly severe indictment of President Lincoln and his Administration for their part in its conduct. Its practical effect was to aid secession and encourage the Confederate cause. His position was that of open and bold opposition to the war. Said he, "You can never subdue the seceded States. Two years of fearful experience have taught you that. Why carry on this war? If you persist, it can only end in final separation between the North and South. And, in that case, believe it now, as you did not my former warnings, the whole Northwest will go with the South!" He argued for peace either by foreign intervention or domestic agreement, and contended that slavery must be recognized in any peace settlement. "In my deliberate judgment," he declared, "African slavery, as an institution, will come out of this conflict fifty-fold stronger than when it was begun." This speech had a great influence in the North in increasing the power and position of the Peace party and in embarrassing the Union cause. By the friends of the Union throughout the country Mr. Vallandigham's utterances were regarded as "words of brilliant and polished treason."

ULYSSES SIMPSON GRANT

Born at Point Pleasant, Clermont county, Ohio, April 27, 1822; graduated from West Point Military Academy, 1843; served with distinction in the Mexican War, and afterward continued in the army, rising to the rank of Captain; resigned his commission in 1854 and settled on a farm near St. Louis; removed to Galena, Illinois, in 1860; appointed Colonel of an Illinois regiment, June 17, 1861; became Brigadier General of volunteers, August 7, 1861; appointed Major General of volunteers, February 16, 1862, Major General of the United States army, July 4, 1863, Lieutenant General, March 2, 1864; served as Commander in Chief of the army from March 9, 1864 to March 4, 1869; Secretary of War under Johnson from August 12, 1867 to January 14, 1868; eighteenth President of the United States, March 4, 1869, to March 4, 1877; appointed General on the retired list March 3, 1885; died on Mount McGregor, New York, July 23, 1885.

settlement. "In my deliberate judgment,"
lared, "African slavery, as an institution, will
t of this conflict fifty-fold stronger than when
begun." This speech had a great influence in
rth in increasing the power and position of the
party and in embarrassing the Union cause.
e friends of the Union throughout the country
is of brilliant and polished treason."

It is worth while to digress here in order to obtain a closer view of the character and motives of Vallandigham in his strong-willed and impetuous opposition to the war. As one of the most striking figures of his period, he forms the subject of an interesting study. Whatever may be said of him, he was neither a coward nor a demagogue. Both friend and foe had to acknowledge that he was a man of unflinching courage, indomitable will and boundless energy. No one who lacked those attributes could have taken and maintained the stand he did. It was not a popular position, and if he had simply craved the applause of a prevailing sentiment he could have raised his voice for the prosecution of the war and reaped honors and distinction. He had all of these within his grasp if he had but followed the course of his great party leader, Stephen A. Douglas, whom he so earnestly supported for the Presidency in 1860. To better comprehend his political course, an intimate knowledge of the mental qualities acquired by him through heredity and education will aid the reader.

His ancestors on the paternal side were Huguenots, and on the maternal, Scotch-Irish. The family originally came from French Flanders, and the name was Van Landeghem. After migration to Virginia about 1690, for euphony it was changed to Vallandigham. In this stock can be seen the wellsprings of conviction and courage, and it accounts in a large way for the temperament of the descendant. Add to this the training and environment of a Christian home of the type of the covenanter, and we have the basis for a character at once strong and conscientious. The

Vallandighams were Presbyterians for generations, and in a home of that atmosphere Clement L. was reared. He profited by precept and example, and we note in his letters to his mother and brother while at school a deep vein of religious enthusiasm, the sincerity of which was evidenced by the purity of his everyday life. He carried this earnest and sincere faith throughout his manhood, and we find him in later years, even amid his exciting Congressional surroundings, writing in the same spirit to his wife that he did in his schoolboy days to his mother. His appreciation of the importance of faith and recognition of Divine Providence are observable in many of his letters to intimate friends. With all his intensity he was not a bigot; he never uttered an unkind word of another's faith.

We can readily understand how, with such a nature, he could become a zealot in his political views. He was not a broad-minded man, but he clung logically to a naked principle and was willing to go wherever the sequence would lead him. A believer in the doctrine of States' rights, he could see no farther, and insisted on its maintenance regardless of results. A devotee of the "Constitution as it was," he was willing to see it shattered to pieces rather than do the things necessary for its preservation. It was this spirit that prompted him to urge the surrender of every power of the Government in order to secure peace by compromise. Gifted with talents, courage, integrity and eloquence, they were inflexibly concentrated on one idea which his zealous nature would never surrender. To him may very appropriately be applied Goldsmith's characterization:

"Who, born for the universe, narrow'd his mind,
And to party gave up what was meant for mankind."

Such was the fearless and earnest head of the Peace party, not only of Ohio but of the country at large, in whose person was typified the most effective antagonism the Government had to encounter in the Civil War outside of the Confederate armies. The logical outcome of his leadership was to infuse into the rank and file of his party practical resistance to the enlisting of troops. This first made its appearance in Noble county in the middle of March. It came to the knowledge of the United States authorities that there was organized opposition to drafting by the Government, that desertion was openly solicited, and that nearly a hundred citizens were organized, armed and officered to resist the Federal laws. Companies B and H of the One Hundred and Fifteenth Ohio, with ten days' rations and forty rounds of ammunition, were dispatched to Noble county to assist the United States Marshal in making arrests. These troops marched through the county arresting a large number. Some of them were punished by the United States Court at Cincinnati with fines and imprisonment. This was the first open and armed antagonism to the Federal authorities in Ohio. It was evident, however, that the opposition to the war was growing, and the boldness manifested by the Peace party against the Government was increasing daily. A bitter personal feeling between citizens was developed that found expression in violent party demonstrations.

As a result of such bitterness Governor Tod was arrested in his office in the State House, April 2d. It

grew out of the arrest of Dr. Edson B. Olds the year before, referred to in the last chapter. Dr. Olds filed an affidavit against the Governor which resulted in an indictment by the grand jury of Fairfield county. When the arrest was made the Supreme Court was in session at Columbus, and the Governor was released on a writ of *habeas corpus*. The case dragged on until it was transferred to the United States Court at Cincinnati, when it was finally dropped. Dr. Olds also filed a civil suit against the Governor for $100,000 damages; and John W. Kees, who had been arrested at the same time as Dr. Olds, sued Governor Tod for $30,000. Nothing came of either of the cases. They are referred to in order to show the state of public feeling at the time and the persistent fight that was made against all Federal authority.

It was with reference to these events and other open demonstrations against the Government and its defenders in the field, as well as the efforts made to encourage desertion and discourage enlistments, that General Ambrose E. Burnside saw the necessity of taking cognizance of the situation. General Burnside therefore issued an order as follows:

"Headquarters, Department of the Ohio,

"Cincinnati, April 13, 1863.

"General Orders, No. 38.

"The Commanding General publishes, for the information of all concerned, that hereafter all persons found within our lines who commit acts for the benefit of the

enemies of our country will be tried as spies or traitors, and, if convicted, will suffer death. This order includes the following classes of persons:

"Carriers of secret mails.

"Writers of letters sent by secret mails.

"Secret recruiting officers within the lines.

"Persons who have entered into an agreement to pass our lines for the purpose of joining the enemy.

"Persons found concealed within our lines belonging to the service of the enemy, and, in fact, all persons found improperly within our lines, who could give private information to the enemy.

"All persons within our lines who harbor, protect, conceal, feed, clothe, or in any way aid the enemies of our country.

"The habit of declaring sympathies for the enemy will not be allowed in this department. Persons committing such offenses will be at once arrested, with a view to being tried as above stated, or sent beyond our lines into the lines of their friends.

"It must be distinctly understood that treason, expressed or implied, will not be tolerated in this Department.

"All officers and soldiers are strictly charged with the execution of this order.

"By command of Major-General Burnside.

"Lewis Richmond,

"Assistant Adjutant-General."

This order was received with violent denunciations by the leaders of the Peace party. It served to stir up the deepest hostility to the Administration and

was denounced as an act of military despotism. Vallandigham was not long in publicly arraying himself against the order and in coming within the sphere of its operations. The occasion was a mass meeting of his party held at Mt. Vernon, May 1st, when, before enthusiastic thousands in words of burning eloquence, he defied President Lincoln, Governor Tod and General Burnside. He declared the war "a wicked, cruel and unnecessary war"; "a war for the purpose of crushing out liberty and erecting a despotism." He said that "He was a free man and did not ask David Tod, Abraham Lincoln or Ambrose E. Burnside for his rights to speak as he had done and was doing"; that "his authority for so doing was higher than General Orders No. 38—it was General Orders No. 1—the Constitution;" that "General Orders No. 38 was a base usurpation of arbitrary power"; that, "he had the most supreme contempt for such power, he despised it, spat upon it, trampled it under his feet." He closed by warning the people not to be deceived, that "an attempt would shortly be made to enforce the conscription act; they should remember that this war was not a war for the preservation of the Union—it was a wicked Abolition war, and that if those in authority were allowed to accomplish their purposes the people would be deprived of their liberties and a monarchy established."

Vallandigham's speech was reported to General Burnside by two army officers who attended the meeting in citizens' clothes. On May 4th orders were issued for his arrest. At two o'clock the next morning he was arrested at his home in Dayton. This

was accomplished by a detachment of soldiers, who, on being refused admittance, broke open the various doors of the residence until they found Mr. Vallandigham in his bedroom, whereupon he was taken to Cincinnati. It was daylight before the news of the arrest was generally known in Dayton. Then there broke out an excited and bitter protest, with which developed a fierce spirit of resistance. Nothing seemed to be within reach upon which the friends of the distinguished prisoner could wreak their vengeance but the office of the *Dayton Journal*, the Union newspaper of that place. This was promptly wrecked and burned by a mob, and other buildings were burned as a result of the rioting. It was with the utmost difficulty that the Democratic leaders could prevent their exasperated partisans from destroying the dwellings of prominent Unionists. As it was, the railroads entering Dayton were torn up and the telegraph wires were cut. There were all the premonitory symptoms of a civil war. At ten o'clock that night troops from Cincinnati and Columbus poured into Dayton. Quiet had been restored, but it was because the mob had worn itself out for lack of arms and organization.

In the meantime Vallandigham had been imprisoned at Cincinnati in the Kemper Barracks, from which place he issued the following:

"Military Prison,
"Cincinnati, Ohio, May 5, 1863.

"To the Democracy of Ohio:

"I am here in a military bastile for no other offense than my political opinions, and the defense of them and

of the rights of the people, and of your constitutional liberties. Speeches made in the hearing of thousands of you in denunciation of the usurpations of power, infractions of the Constitution and laws, and of military despotism, were the sole cause of my arrest and imprisonment. I am a Democrat—for Constitution, for law, for the Union, for liberty—this is my only 'crime.' For no disobedience to the Constitution; for no violation of law; for no word, sign or gesture of sympathy with the men of the South, who are for disunion and Southern independence, but in obedience to their demand as well as the demand of Northern Abolition disunionists and traitors, I am here in bonds to-day; but

"'Time at last sets all things even!'

Meanwhile, Democrats of Ohio, of the Northwest, of the United States, be firm, be true to your principles, to the Constitution, to the Union, and all will yet be well. As for myself, I adhere to every principle, and will make good through imprisonment and life itself every pledge and declaration which I have ever made, uttered or maintained from the beginning. To you, to the whole people, to time, I again appeal. Stand firm! Falter not an instant.

"C. L. Vallandigham."

On the next day he was brought before a military commission appointed by command of General Burnside, charged with "publicly expressing, in violation of General Orders No. 38, from Headquarters of the Ohio, sympathy for those in arms against the Government of the United States, and declaring disloyal

sentiments and opinions, with the object and purpose of weakening the power of the Government in its efforts to suppress an unlawful rebellion." The specifications consisted of expressions used in the Mt. Vernon speech and were testified to by two army officers who were bystanders and took notes at the time. Vallandigham refused to plead and denied the jurisdiction of the Commission. Directing that a plea of "not guilty" be entered, the Commission proceeded with the trial.

On May 16 the Commission found the prisoner guilty of the charge and sentenced him to be placed in close confinement in some fortress of the United States, to be designated by the commanding officer of the Department, there to be kept during the continuance of the war. General Burnside approved the order and designated Fort Warren, in Boston harbor, as the place of confinement. This sentence was modified by President Lincoln May 19, in an order to General Burnside, wherein he directed him to send without delay Clement L. Vallandigham "under secure guard to the headquarters of General Rosecrans to be put by him beyond our military lines, and that in case of his return within our lines he be arrested and kept in close custody for the term specified in his sentence."

While Vallandigham was being tried before the Military Commission, application was made, May 9, in his behalf, for a writ of *habeas corpus* in the United States Circuit Court at Cincinnati, Judge H. H. Leavitt presiding. Former Senator George E. Pugh appeared as the prisoner's counsel, and in an argument of great ability and accomplished eloquence argued for the issuance of the writ. General Burnside, the defend-

ant, was represented by Mr. Aaron F. Perry of the Cincinnati bar and the District Attorney, Flamen Ball; Judge Leavitt refused the writ on the ground that as civil war was upon the land and Ohio was under the military command of General Burnside by appointment of the President, the acts and offenses set forth in General Orders No. 38 were cognizable and under the jurisdiction of the military authorities under the rules and powers of war.

In pursuance of the President's orders Vallandigham, on May 19, 1863, was placed on the gunboat *Exchange* at Cincinnati and transferred to Louisville; May 23d he was taken under guard to Murfreesboro, the outpost of the Union army in Tennessee. At this place he was delivered to General Rosecrans, whose prisoner he remained until two o'clock on the morning of the 25th, when his journey into the Confederate lines commenced. The picket line of the enemy was approached just after daylight. A flag of truce was sent to the commanding officer of the Confederate pickets, announcing the presence of Vallandigham and their purpose and desire to place him within their lines. The proposition amazed and embarrassed the Confederate officer, who felt it necessary to inform General Bragg of the situation. In the meantime the Federal officers, seemingly desirous of getting rid of their charge, took their prisoner within the picket line and left him. To the Confederate soldiers who met him Vallandigham said, "I am a citizen of Ohio, and of the United States. I am here within your lines by force and against my will. I therefore surrender myself to you as a prisoner of war." General

Bragg's headquarters were at Shelbyville, sixteen miles from the outposts, and in a few hours he was in the presence of the celebrated Confederate General, who received him in a kindly and courteous manner. He remained at Shelbyville a week practically in seclusion. On June 1, he was directed to report on parole to General Whiting at Wilmington, North Carolina.

During all these events the arrest, trial and banishment of Vallandigham had created a profound sensation throughout the country. The peace elements of the Democratic party were lashed into a fury over what they deemed a violation of the most sacred rights of citizenship. They denounced the arrest as a military usurpation, and meetings of great size and earnestness were called to protest against the tyrannical acts of the Administration. On Saturday, May 16, an immense meeting of Democrats was held at Albany, New York. A series of resolutions was passed and forwarded to President Lincoln, protesting against the arrest, trial and sentence of Vallandigham. President Lincoln, recognizing the importance of the stand taken by the Government, as well as the earnestness of the protestants, answered the committee in a letter dated June 12, 1863. From the start the President had treated the Vallandigham case with great native shrewdness. He did not propose that a distinguished prisoner in a Federal fortress should be made a martyr and draw an intense personal sympathy throughout the country. He took this element out of the situation by sending Vallandigham beyond the lines among the enemies of his country, whom he had been aiding by his agitation.

In his letter to the Albany Committee Mr. Lincoln showed the same practical sense. He took up specifically the resolutions of the meeting and in his best argumentative style answered them in a manner that made a deep impression on the country. In his clear and effective English he swept away the sophistries of the case. The letter itself is too lengthy to be given here in full, but among his answers is the following:

"By the third resolution, the meeting indicate their opinion that military arrests may be constitutional in localities where rebellion actually exists, but that such arrests are unconstitutional in localities where rebellion or insurrection does not actually exist. They insist that such arrests shall not be made 'outside of the lines of necessary military occupation, and the scenes of insurrection.' Inasmuch, however, as the Constitution itself makes no such distinction, I am unable to believe that there *is* any such constitutional distinction. I concede that the class of arrests complained of can be constitutional only when, in cases of rebellion or invasion, the public safety may require them; and I insist that in such cases they are constitutional wherever the public safety may require them; as well in places to which they may prevent the rebellion extending as in those where it may be already prevailing; as well where they may restrain mischievous interference with the raising and supplying of armies to suppress the rebellion, as where the rebellion may actually be; as well where they may restrain the enticing men out of the army, as where they would prevent

WILLIAM TECUMSEH SHERMAN

Born in Lancaster, Ohio, February 8, 1820; graduated from United States Military Academy, 1840; during the Mexican War served with credit in California; resigned from the army, 1853, and was variously engaged in private affairs until the Civil War; appointed Colonel of the Thirteenth Infantry, May 14, 1861; Brigadier General of volunteers, May 17, 1861; Major General of volunteers, May 1, 1862; Brigadier General, regular army, July 4, 1863; Major General, regular army, August 12, 1864; Lieutenant General, July 25, 1866; General, March 4, 1869; was Commander in Chief of the army from March 8, 1869, to November 1, 1883; died February 14, 1891.

clear, ... following:

that such arrests shall not be made 'outside of ... tution itself makes no such distinction, I am ... ever the public safety may require them; as well ... as in those where it may be already prevailing; ... as well where they may restrain mischievous inter... ...ference with the raising and supplying of armies to ... suppress the rebellion, as where the rebellion may ... actually be; as well where they may restrain the entic...

mutiny in the army; equally constitutional at all places where they will conduce to the public safety, as against the dangers of rebellion or invasion.

"Take the particular case mentioned by the meeting. It is asserted, in substance, that Vallandigham was, by a military commander, seized and tried 'for no other reason than words addressed to a public meeting, in criticism of the course of the Administration, and in condemnation of the military orders of the General.' Now, if there be no mistake about this, if this assertion is the truth and the whole truth, if there was no other reason for the arrest, then I concede that the arrest was wrong. But the arrest, as I understand, was made for a very different reason. Mr. Vallandigham avows his hostility to the war on the part of the Union; and his arrest was made because he was laboring, with some effect, to prevent the raising of troops, to encourage desertions from the army, and to leave the rebellion without an adequate military force to suppress it. He was not arrested because he was damaging the political prospects of the Administration, or the personal interests of the commanding general, but because he was damaging the army, upon the existence and vigor of which the life of the nation depends. He was warring upon the military, and this gave the military constitutional jurisdiction to lay hands upon him. If Mr. Vallandigham was not damaging the military power of the country, then his arrest was made on mistake of fact, which I would be glad to correct on reasonably satisfactory evidence.

"I understand the meeting, whose resolutions I am considering, to be in favor of suppressing the rebel-

lion by military force—by armies. Long experience has shown that armies cannot be maintained unless desertions shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction, this punishment. Must I shoot a simple-minded soldier-boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or brother, or friend, into a public meeting, and there working upon his feelings till he is persuaded to write the soldier-boy that he is fighting in a bad cause, for a wicked Administration of a contemptible Government, too weak to arrest and punish him if he shall desert. I think that in such a case to silence the agitator and save the boy is not only constitutional, but withal a great mercy."

It is a fact, however, that notwithstanding President Lincoln's attitude, Vallandigham's arrest and banishment gave him much concern. He had no doubt of the right of the military authorities to act as they did, but he felt if the matter had been in his hands the insurgent leader could have been handled with less vigor and the same result accomplished, viz: his suppression. Vallandigham's friends claimed, and this view was shared by many conservative lawyers,that he was within the rights of free speech in his opposition to the Administration. They also denied the right of jurisdiction, in his case, of a military tribunal to try and punish him. They claimed that Ohio was not a seat of military operations and that therefore there was no right to suspend the writ of *habeas corpus*.

These objections, in light of the conditions at that time, were purely technical. While Ohio was not the seat of actual warfare between the Union and Confederate forces (although it became such by the Morgan Raid in July following), it was one of the sources of supply from which the Government drew its armies, and, as Mr. Lincoln showed in his Albany letter, it had the right to arrest and punish any force that prevented these supplies of men. There was a revolution prevailing; an armed force was seeking to dissolve the Union, and there were many men in Ohio who were aiding and abetting this armed force. The State of Ohio was a Military Department of the Government, and the President was the Commander-in-Chief of the army. He had the right to issue any orders that he deemed essential for the preservation of the Government. The action of General Burnside was the action of the President as such Commander-in-Chief. Burnside saw arising in Ohio a decided movement to resist the Government in the draft. Vallandigham had urged the people to resist the drafting officers. We have seen already how such resistance took the form of an armed force in Noble county, and we shall meet later a similar formidable armed opposition in Holmes county. Under all these circumstances it is not tenable to say that the Government or its officers exceeded their powers when the leaders in these movements were punished. The life and the unity of the nation were at stake; its powers to smite its enemies were being shackled; and if these things had been done in any other civilized country engaged in a deadly conflict, the men who were responsible would have been promptly shot.

While considering the Vallandigham case it will be of interest to the reader to complete its judicial history, and to note the result in a similar case in Indiana. At the December term, 1863, of the United States Supreme Court, application was made to review and examine the proceedings and findings of the Military Commission which sentenced Vallandigham. On February 15, 1864, after the full official record had been presented to the court, Justice Noah H. Swayne, delivering the opinion, decided, (*Ex parte* Vallandigham, 4 Wallace, U. S. Reports, page 243), that it had no power "to review or pronounce any opinion upon the proceedings of the Military Commission." Quite different was another decision of the court. In September, 1864, Lambdin P. Millikin and other citizens of Indiana were tried and sentenced to death by a Military Commission for treasonable conduct. They were proven to have been members of the "Knights of the Golden Circle," an organization charged with overt acts of treason in attempting to liberate Confederate prisoners by force, and in otherwise aiding and assisting in the Rebellion.

In the course of events these cases were passed upon in December, 1866, by the Supreme Court of the United States. There had in the meantime been considerable modification of public sentiment; the war was over and the country was on its way to a peaceful future. No doubt the changed conditions were reflected somewhat in the opinion of the court. Judge David Davis, in delivering the opinion (*Ex parte* Millikin, 4 Wallace U. S. Reports, page 2), held that military commissions had no jurisdictions over persons not in military

service when they were citizens of the State where tried, if in that State the civil courts were open and not suspended by the operations of war. Chief Justice Chase and three Associate Justices held, while agreeing in the discharge of Millikin, that Congress had power to authorize military commissions to try civilians in time of actual war, and that such tribunals might have concurrent jurisdiction with the civil court. In this last proposition we see an affirmation of the Vallandigham case decided two years before.

Open and organized violence toward the Government draft, and the protection of deserters from the Union Army, again occurred in Ohio in June, 1863, in Holmes county. In this instance the resistance was far more serious and formidable than that in Noble county. It took the form of a fortified camp, occupied by nearly a thousand armed men with four small howitzers. Governor Tod on the 16th issued a proclamation urging the resistants to disperse and render the obedience that all good citizens owed to the laws of their country, but this was unheeded, and it took a detachment of the military, under Colonel Wallace of the Fifteenth Ohio, to suppress the miniature rebellion. After some skirmishing and firing on both sides, in which two of the resistants were wounded, the band dispersed. On June 18, prominent Peace Democrats visited the camp and urged a cessation of their foolish resistance. The ringleaders were delivered to the military authorities and nothing was done to them. They were all from the region in which Vallandigham's famous speech was made, and it seemed folly to punish severely the misguided followers of his eloquent advice. But it

only emphasizes the truth and logic of President Lincoln's reason for removing the "wily agitator" who encouraged such action.

By Vallandigham's trial and banishment he became idolized in the eyes of his party, and they regarded him as a brave and patriotic leader. They conceived the idea that his true mission was to lead them to victory as their candidate for Governor of Ohio. This thought grew firmly in the rank and file of the Peace party. The leaders regarded it as unwise, and they preferred Hugh J. Jewett, their candidate of two years before. He was a Union man and a war Democrat of a conservative type. But the masses would hear to no such compromise. They were inflamed at the method adopted by the Government relative to Vallandigham. To redress his wrongs by a vindication was far more important than saving the Union or prosecuting the war. The truth was, they were ready for civil war if any further harm should be offered their leader.

The Democratic State Convention assembled in Columbus, June 11. Although it was called as a delegate Convention, there gathered together forty thousand men from every part of the State. Since the famous Whig Convention of 1840 there had been nothing to equal it in enthusiasm and numbers. Like the Whig gathering it was one seething mass of excited and determined units. In vain did the more sober-minded leaders endeavor to stem the Vallandigham tide. They begged General McClellan, who was a citizen of Ohio, to permit the use of his name as a candidate for Governor, but he declined. Earnestly did

Henry B. Payne urge the candidacy of Judge Jewett, but he found no encouragement. After the organization of the Convention Vallandigham was nominated, he receiving four hundred and eleven votes and Hugh J. Jewett thirteen. George E. Pugh, who had defended the nominee with such brilliancy and ability in his trials, presented his client's name to the Convention. His speech was a violent and inflammatory denunciation of President Lincoln, General Burnside, and the Government, and a glorification of Vallandigham. It was a positive challenge to the Government to arrest him, and far exceeded in bitterness Vallandigham's Mt. Vernon speech. Pugh's address was so responsive to the sentiments of the Convention, and his eloquently rebellious utterances so coincided with those of the delegates, that against his positive protest he was nominated for Lieutenant Governor. Answering his appeal not to adjourn "until, in the name of one hundred and eighty thousand Democrats of Ohio, you have demanded of Abraham Lincoln the restoration of Vallandigham to his own," the Convention, on motion of Allen G. Thurman, appointed a committee to request of President Lincoln the exile's recall. This committee was composed of prominent Peace Democrats, one from each congressional district, and included in its membership every Democratic congressman except Samuel S. Cox of the Columbus district, who for some reason was not chosen.

The committee, on June 26, met at Washington and formulated an address to President Lincoln setting forth the resolutions of the Columbus Convention and giving lengthy reasons for the revocation of the order

against Vallandigham. On the 29th the President replied to this communication. After answering, as he did in the case of the Albany Committee, the various arguments of the petitioners, he said that he would revoke the order against Vallandigham if the committee or a majority of it would subscribe in writing to the following propositions:

"1. That there is now a rebellion in the United States, the object and tendency of which is to destroy the National Union; and that, in your opinion, an army and navy are constitutional means for suppressing that rebellion.

"2. That no one of you will do anything which in his own judgment will tend to hinder the increase, or favor the decrease, or lessen the efficiency of the army and navy while engaged in the effort to suppress that rebellion.

"3. That each of you will, in his sphere, do all he can to have the officers, soldiers and seamen of the army and navy while engaged in the effort to suppress the rebellion, paid, fed, clad, and otherwise well provided and supported."

To these conditions the committee refused assent, which would have been tantamount to agreeing to support President Lincoln's war policy in the preservation of the Union, and this of course meant total surrender on account of the Peace party in Ohio.

Leaving for the present the situation in Ohio, let us turn to the personal fortunes of Vallandigham. We left him under parole at Wilmington, North Carolina. He remained there until June 17, when he took the steamer *Cornubia*, which ran the blockade and safely

landed at Bermuda on the 20th. There he spent a pleasant ten days, then took a steamer to Halifax, at which place he landed on the 5th of July. From Halifax he went to Quebec and Montreal, where he was cordially received; on July 15 he arrived at Niagara Falls, on the Canadian side.

It may be remarked that during his stay in Canada from first to last Vallandigham was greeted and treated with cordial enthusiasm. At Quebec, Montreal, Niagara Falls and Windsor he was lionized by the most lavish laudations. Like their brethern at home, the Canadians had no love for the American Republic, and they doubtless found it cheaper to encourage an American insurgent against a war for the Union than to fit out privateers to prey upon American merchantmen. The subsequent awarding of $15,500,000 claims against England for her assistance in the sea depredations of the Confederate cruiser *Alabama* and like crafts, demonstrated the wisdom of the Canadians, and it may be further noted, as these pages later on will show, that the "Lady of the Snows" was an ever-willing and welcoming hostess for every emissary of the Southern Confederacy that aimed to attack the United States in the rear.

From the Clifton House, Niagara Falls, Vallandigham issued an address to the Democracy of Ohio accepting the nomination for Governor and stating his position. It is needless to say that this was received with unbounded enthusiasm by his earnest and loyal partisans.

The Union Convention met at Columbus June 17, in response to a call to "all loyal citizens who are in favor of the maintenance of the government and the

prosecution of the war now being carried on for the suppression of the rebellion against it." Again, as in the case of Governor Dennison, the Union party found itself embarrassed over the question of its candidate for Governor. Governor Tod, like his predecessor, had proved unpopular in his administration; notwithstanding that he was faithful, zealous and unabating in his labors, he was held responsible for what was then deemed needless expense in his administration, and, strange to say it now, for his vigor in the matter of making military arrests. The dissatisfaction with Governor Tod was not general in his party, but it was strong enough to be formidable; neither were the objections to him well founded, but they secured enough believers to make his nomination unwise. There was enough opposition to destroy his availability, and that is the first running quality of a candidate for public favor.

In casting about for a candidate the Union party was attracted to John Brough. He was an old-line Democrat, had been out of politics for many years and at this time was a railway manager. On June 10, 1863, just a week before the Union Convention, Mr. Brough delivered a speech in favor of the war and the Administration at Marietta that electrified the Unionists of the State. Coming from a great Democrat who had long been high in his party, his sturdy support of the war and the Lincoln Administration directed every eye in the State to him. By common intuition the Union leaders saw in John Brough their candidate for Governor. Like a prairie fire this feeling spread throughout the State. Governor Tod's friends, how-

ever, were not stampeded; with Brough's, his name was presented to the Convention. On a ballot the result was that John Brough received two hundred and sixteen votes and Governor Tod one hundred and ninety-three. In a telegram to Governor Andrew of Massachusetts, dated June 22, 1863, Governor Tod said: "You will have heard of my defeat in the Union Convention recently held in this city. It is proper that I inform you that personal considerations alone caused my defeat." With all this, he gave his opponent a loyal and hearty support in the most critical and momentous campaign in the history of Ohio.

The Unionist candidate for Governor was the son of an Englishman who came to this country in 1806; the father settled at Marietta, where his son was born September 17, 1811. The death of the father soon threw the son upon his own resources, and he entered a printing office to learn his trade. While at college at Athens he pursued his course of study and at the same time worked nights and mornings at his trade. After his college life he read law but abandoned it to edit a newspaper at Petersburg, Virginia. He remained there but a short while, when he returned to his old home, Marietta, to publish the *Washington County Republican*. He removed to Lancaster and published the *Ohio Eagle*. His vigorous editorials soon attracted attention throughout the State, and in knowledge and treatment of the finances of the State they showed much more than ordinary capacity. In 1838 he was sent to the Legislature from Fairfield and Hocking counties. The next year he was elected Auditor of State by the Legislature.

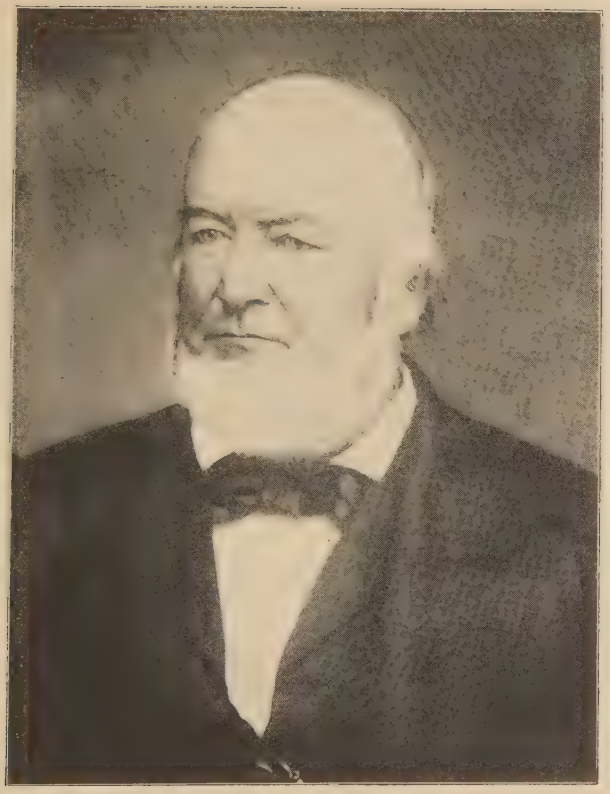
It was in his position as Auditor of State that he exhibited those traits of character that led him to the Governorship. He was a deadly foe to corruption, untiring in hunting down irregularities which for years had existed in the Auditor's office, and by his systematic and businesslike management he placed the financial condition of the State in better shape than it had ever been in its history. His honest and fearless movements for reform were necessarily a reflection upon the party in power, and the leading politicians of his own party endeavored to thwart him at every step. As an evidence of this it may be said that President Polk tendered him the portfolio of Secretary of the Treasury, but before Mr. Brough's answer could reach the President the proffered office was withdrawn. The political leaders whom Mr. Brough had offended had influenced the President in the meantime. When he was Auditor of State he bought a Cincinnati paper called the *Phœnix* and from it founded the *Cincinnati Enquirer*. After his political career he retired to private life to engage in railroading, and it was from this business that he was called to accept the nomination for Governor of Ohio from the hands of the Union party.

Since the days of "Tippecanoe and Tyler Too" there has been no such canvass as the Vallandigham campaign of 1863. It was viewed with anxiety by the forces in the field and the entire country at home. It was known that the election of Vallandigham would be a rebuke to President Lincoln and his Administration, that it would array Ohio against the war and that it would in a general sense redound to the advan-

It was in his position as Auditor of State that he ... those traits of character that led him to the ... He was a deadly foe to corruption, ... down irregularities which for ... the Auditor's office, and by his ... businesslike management he placed the ... of the State in better shape than it had ... for many years. His honest and ... were necessarily a ... power, and the leading politi... endeavored to thwart him at ... of this it may be said that Pres... tendered him the portfolio of Secretary ..., but before Mr. Brough's answer could ...

... the *Phœnix* and from it four ... the *Cincinnati* ... After his political career ... retired to private ... engage in railroading, and ... was from this ... that he was called to ... the nomination for Governor of Ohio from the ranks of the ... party.

Since the days of "Tippecanoe and Tyler ... there has been no such canvass as ... Vallandigham campaign of 1863. It was viewed with anxiety ... forces in the field and the entire country at ... It was known that the election of Vallandigham ... would be a rebuke to President Lincoln and his Administration, and it would array Ohio against the ... that it would in a general sense respond to the ...



tage of the Southern Confederacy. It meant "Peace at any price," and the "Union as it was and the Constitution as it is," which included the maintenance of slavery. These were not the issues contended for by the Peace Democrats, but in the logic of events they would surely follow. The great issue in their minds was Vallandigham himself. To them he was a pure and persecuted patriot. They saw in his unjust sentence the violation of the sacred rights of free speech, personal liberty and the destruction of the principles of Magna Charta. The Unionists, on the other hand, viewed the Democratic candidate as an enemy of the country, an "unhung traitor" and an aider and abettor of the rebels in arms.

The depressed condition of the Union cause added to the intensity of the situation. The Ohio election was looked upon as a deciding factor between Union and Secession. In the beginning of the campaign the Union party, not only in Ohio but throughout the country, was filled with gloom. The year 1863 had not been an encouraging one in Ohio; there had been disaffection over the military arrests, resistance to the drafts and a threatened invasion from the South. The results in the field were also discouraging. Victory seemed to have flown from the Stars and Stripes. The battle of Chancellorsville was a failure; General Lee was invading Pennsylvania; General Grant was still unsuccessful before Vicksburg; and the defeats at Galveston, another southern point, gave but poor comfort to the Union party in Ohio or elsewhere.

The Democrats entered the campaign filled with vigor and earnestness. Their meetings excelled those

of the Union party in numbers and enthusiasm. Their leaders, all men of great ability on the stump, deeply impressed their followers with the justice of their cause and the certainty of victory. They argued for Vallandigham's election because of the principle involved in his arrest and banishment; they seldom referred to the great issue of the preservation of the Union. We may well imagine how a strenuous campaign led by George E. Pugh, Allen G. Thurman, George H. Pendleton, Samuel ("Sunset") S. Cox and Sam Medary would affect their partisans. And yet all were not for Vallandigham. There were thousands of Democrats who feared the result of his election; they preferred to follow the example of Hugh J. Jewett, Rufus P. Ranney and Henry B. Payne—all old-time Democrats and each at one time a candidate of the party for Governor, who took no part in the campaign.

The Union party was led in the canvass by John Brough himself, who was by far the most effective orator of all engaged. He was a fluent and logical speaker, and at times could be ruggedly and earnestly eloquent. He was bold in his assertion that Vallandigham's election "would be an invitation to the rebels in arms to come up and take possession of our soil." George E. Pugh passionately declared that if his candidate were elected there would be fifty thousand "fully armed and equipped freemen of Ohio to receive their Governor elect at the Canadian line and escort him to the State-house to see that he takes the oath of office." Then Brough in rejoinder said Vallandigham's election would inaugurate civil war in Ohio. "For," said he, "I tell you there is a mighty mass of men in this State whose

nerves are strung up like steel, who will never permit this dishonor to be consummated in their native State." Brough's vigorous campaigning was sustained by Governor Tod, Senators Sherman and Wade, and Governors Oliver P. Morton of Indiana and Richard P. Yates of Illinois. Both sides were also represented by hundreds of orators of lesser note, who nightly addressed meetings in the country schoolhouses and on the city streets. Considering the intensity of the canvass, there was a remarkable freedom from violence or disorder. The severest exception was the mobbing and wrecking of the Democratic newspaper, *The Crisis*, at Columbus. This paper was one of the ablest and most widely circulated, as well as the best hated by the Union party, of all the Democratic publications in Ohio during the war period. Its editor, Samuel Medary, was, in his editorials, brilliant, aggressive and taunting against the party in power and the Government at Washington. *The Crisis* vigorously opposed President Lincoln at every step of his administration, denounced the war and the soldiers of the Union Army, and in every way possible obstructed the suppression of the Rebellion. Its course angered the Union soldiers, many of whom were stationed in Columbus at the time. On the night of March 5, 1863, a mob of about two hundred soldiers and citizens proceeded to the office of the newspaper, broke open its doors, and in the absence of the editor sacked and destroyed its contents. Notwithstanding the bitter opposition to the paper and its editor the Union authorities and the Union press, especially the *Ohio State Journal*, denounced and deplored the act. The commanding officer at Colum-

bus, General Cooper, called it "a cowardly attack and a felonious outrage." This was the only notable violence of the campaign. There was developed, however, on both sides such bitter feeling that in innumerable instances life-long attachments and neighborly friendships were severed.

In the midst of this political situation there came great assistance to the Union cause by the victory of Gettysburg and by General Grant's capture of Vicksburg. It was felt that the high tide of Confederate success had been checked and broken, and renewed encouragement and additional strength were given to the Union party in Ohio. Notwithstanding this, however, the Democrats were sanguine of success, while Brough was confident that he would have about five thousand majority. Neither party seemed to be sure of a very pronounced victory.

The election proved a vast surprise to everyone. With all the enthusiasm and energy displayed in his support, Vallandigham was beaten worse than any candidate ever before offered to the people of Ohio. Brough's vote was 228,826 and Vallandigham's was 187,728, registering the former's majority as 101,098. Vallandigham carried but eighteen of the eighty-eight counties of the State. Brough made gains in both the Union and Democratic counties. There was abundant evidence of a silent vote throughout the State growing out of a fear among conservative Democrats that Vallandigham's success meant civil war at home.

Chapter X

OHIO IN THE CIVIL WAR
(CONCLUDED)

MORGAN'S RAID, CAPTURE, AND ESCAPE

GOVERNOR BROUGH'S ADMINISTRATION

CONSPIRACIES OF THE "SONS OF LIBERTY"

OHIO'S CONTRIBUTION TO THE WAR

THE raid of General John H. Morgan and his two thousand troopers through Southern Ohio in the midsummer of 1863 was one of the most remarkable expeditions of the war. The audacity of its design, the character of the command, the distance and rapidity of the mad race and the completeness of its failure form one of the most exciting and important military events of that period. There has always been either uncertainty or obscurity as to the object of the raid. It has been said that the political condition of Ohio at this time, its citizens being bitterly divided in a campaign, was an invitation to Morgan to invade the State in the expectation that the friends of Vallandigham would rally to his standard. If this was in his mind, it was soon dispelled when he crossed the border, for Ohioans without regard to party joined in his chase and capture. Another reason given and a more plausible one, was that Morgan believed that by making an assault upon Ohio, he would draw the Federal Army from points in the South, thus relieving the pressure against the Confederate lines. Still another motive is given to the raid by the fact that General Hobson, with his cavalry, was in hot pursuit of Morgan, and that he (Morgan) crossed the Ohio as a desperate movement not originally contemplated by him.

Whatever the motive, the fact remains that it is not worthy of being dignified as a military movement. It was a reckless foray into an enemy's country, teeming with an unfriendly population and overladen with resources he could not hope to subdue. The sole result of the raid was plunder and unnecessary destruc-

tion of private property. Nothing was accomplished that was of value in a military sense. No cities or military posts were attacked or captured, in fact he avoided these; no public depots of supplies were destroyed and no important railway property was burned. But country stores, private houses and well stocked stables suffered. General Basil W. Duke, who was the second in command, as well as the historian, of the marauders, in his "History of Morgan's Cavalry" (Cincinnati, 1867), gives a very graphic description of the pilfering and pillaging of this raid.

"This disposition for wholesale plunder," says he, "exceeded anything that any of us had ever seen before. The men seemed actuated by a desire to 'pay off' in the 'enemy's country' all scores that the Federal Army had chalked up in the South. The great cause for apprehension, which our situation might have inspired, seemed only to make them reckless. Calico was the staple article of appropriation—each man (who could get one) tied a bolt of it to his saddle, only to throw it away and get a fresh one at the first opportunity. They did not pillage with any sort of method or reason—it seemed to be a mania, senseless and purposeless. One man carried a bird cage, with three canaries in it, for two days. Another rode with a chafing dish, which looked like a small metallic coffin, on the pummel of his saddle, until an officer forced him to throw it away. Although the weather was intensely warm, another, still, slung seven pairs of skates around his neck, and chuckled over his acquisition. I saw very few articles of real value taken—they pillaged like boys robbing an orchard. I would not have believed

that such a passion could have been developed so ludicrously, among any body of civilized men. At Piketon, Ohio, some days later one man broke through the guard posted at a store, rushed in (trembling with excitement and avarice), and filled his pockets with horn buttons. They would (with few exceptions) throw away their plunder after awhile, like children, tired of their toys."

Unfortunately the plundering was not confined to the petty pilfering described by General Duke. Although he declares that he "saw very few articles of real value taken," the facts developed by subsequent official investigation show that the vandalism and thefts committed by the invaders were frightful. This is all demonstrated in the abstract of claims presented to and passed upon by a Commission appointed by Governor Brough. This Board was created by the Legislature March 30, 1864, to examine claims for damages and destruction of property growing out of this raid. The results of their labor is set forth in great detail in a "Report of the Commissioners of the Morgan Raid Claims to the Governor of the State of Ohio, December 15, 1864." This Commission was composed of Alfred McVeigh of Fairfield county, George W. Barker of Washington county and Henry S. Babbitt of Franklin county. The report shows that four thousand, three hundred and seventy-five claims of all kinds for damage were filed before the Commission, including the appropriation of upwards of twenty-five hundred horses, and the total amount allowed was $576,255 for damages growing out of the raid. Of this amount, $428,168 was for damages done

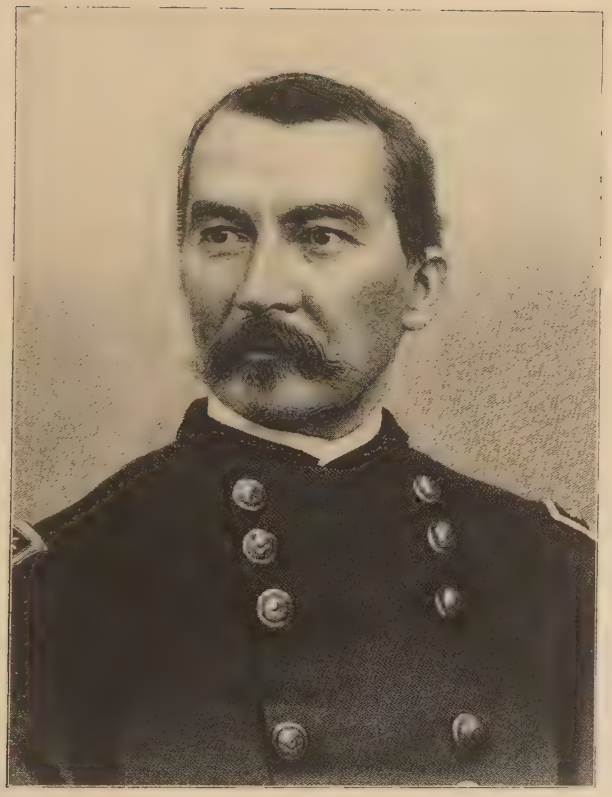
by Morgan and his men and $148,087 for damages by Union forces in the campaign for Morgan's capture. So much for the general character of the raid; now for its history.

On June 27, 1863, General Morgan and his cavalry, or, more properly speaking, mounted infantry, were at Sparta in White county, Tennessee. From this point he commenced his foray. He started out under orders from General Bragg to raid Kentucky and if possible capture Louisville, but under no circumstances cross the Ohio River. He had not proceeded very far when he confided to his Colonel, Basil W. Duke, that he intended to disregard Bragg's orders and enter Indiana and Ohio. In anticipation of this, he sent scouts to examine the crossing places on the upper Ohio River—particularly Buffington's Island. According to Colonel Duke, Morgan declared his intention to recross at that point and to join Lee in Pennsylvania or the army in Northern Virginia. These were Morgan's plans as recited by his second in command. With this in view he fought his way through Kentucky, with a loss of about fifty killed and two hundred and fifty wounded; he struck the Ohio River at Brandenburg in Meade county, Kentucky. At this point he captured two steamboats and crossed the river. Now on Northern soil, he rode across Southeastern Indiana, burning public buildings and laying tribute for not burning private ones. Stables, kitchens, stores and granaries were all subject to his forced loans.

On July 13th, the Confederate raider, with his troops, crossed the Indiana line into Ohio and rendezvoused at Harrison in Hamilton county. On the day before,

PHILIP HENRY SHERIDAN

Born in Albany, New York, March 6, 1831, and in infancy came with his parents to Somerset, Perry county, Ohio, where he was reared; graduated from the United States Military Academy, 1853; appointed Captain of the Thirteenth Infantry, regular army, May 14, 1861; Brigadier General of volunteers, July 1, 1862; Major General of volunteers, December 31, 1862; Brigadier General of the United States army; September 20, 1864; Major General of the United States army, November 8, 1864; Lieutenant General, March 4, 1869; General, June 1, 1888; was Commander in Chief, November 1, 1883, to August 5, 1888; died in Nonquitt, Massachusetts, August 5, 1888.



General Burnside at Cincinnati, in command of the "Department of the Ohio," declared that city under martial law and prepared for its defense. Governor Tod, also by proclamation, called out the organized militia of the southern counties of the State. He ordered the companies of Hamilton, Butler and Clermont counties to report at Cincinnati to General Burnside. Those of the counties of Montgomery, Warren, Clinton, Fayette, Ross, Highland and Brown were to report to Colonel Neff, the military commander at Camp Dennison. The companies in Franklin, Clarke, Madison, Green, Pickaway and Fairfield counties were ordered to report to General Mason at Camp Chase, and those of Washington, Monroe, Noble, Meigs, Morgan, Perry, Hocking and Athens counties to Colonel Putnam at Marietta. The militia of certain counties were ordered out at their respective homes to meet any exigency that might arise. Although nearly fifty thousand men responded to the Governor's call, but comparatively few of these participated in the campaign against the raid.

While Cincinnati was under martial law, and General Burnside was preparing to receive Morgan, the Confederate leader managed to spread the news that his point of attack would be Hamilton; and accordingly all the military and civil authorities directed their entire attention to preparations for defending that place. The proposed movement against Hamilton was a feint, and while it attracted attention Morgan and his men managed to slip past Cincinnati, through its very suburbs, without the slightest resistance. He passed through Glendale, fed his horses in sight of

Camp Dennison, and stopped long enough to impress the first installment of Ohio horses into the service of the Confederacy from the stables of Thomas Spooner, the United States Collector of Internal Revenue for the Cincinnati district. During all this time, he was pursued by General Hobson, who had been on his trail from the raider's start in Tennessee. In addition, followed forces sent by General Burnside, as well as the assembled militia. Now came the whirlwind race of the flying squadron of the Southern Confederacy across Ohio.

The route of the raiders was through the counties of Clermont, Warren, Clinton, Fayette, Ross, Brown, Highland, Adams, Pike, Vinton, Jackson and Gallia, concentrating finally in Meigs county, where Morgan attempted to ford the Ohio at Buffington's Island. During this portion of the chase there was daily skirmishing and the militia were harrassing Morgan's column effectively. As he came to the Ohio River, General Hobson was closing up on the rear and General Judah had crossed at Portsmouth, having withdrawn his troops from Kentucky. At Berlin, in Jackson county, Colonel Ben P. Runkle, with a detachment of militia, forced Morgan to stand and fight, and at points in Meigs county, the militia retarded his progress toward the river; but at one o'clock, July 18th, he reached Chester in that county. He was now within a few miles of a ford which, when crossed, would place him in Jackson county, West Virginia, among friends and sympathizers. After resting an hour and a half, he reached Portland, a village on the river bank opposite Buffington's Island. Here he found earthworks and

three hundred militia behind them. With exhausted horses and men, he decided to rest for the night and make the crossing in the morning after dispersing the militia. When daybreak came, Colonel Duke, with two regiments, attacked the breastworks, but found them abandoned. General Morgan at this time had no knowledge of the force or position of the Federals who were pursuing him, and he was ignorant of the fact that they were closing in on him from every direction. But when he prepared to cross the river in the morning he was made aware of all this. General Hobson's forces attacked him in the rear, General Judah in his flank and two gunboats opened upon his front. He attempted to rally and withdraw, but his ranks were divided, and a general rout followed. In the engagement he lost one hundred and twenty killed and wounded, and seven hundred surrendered.

These prisoners were placed aboard boats and hastily taken to Cincinnati.

General Morgan and twelve hundred of his men escaped, and twenty miles above Buffington's Island he attempted to cross the river to Belleville in West Virginia. Three hundred of his men passed safely over, but the gunboats arriving, kept Morgan and the remainder on Ohio soil. Thus ended the raid; there was nothing left for Morgan but flight and an attempt to get out of the State of Ohio. He now turned to the Muskingum River, but he was met by the militia under Colonel Runkle, when he struck for Blennerhassett's Island. Although his pursuers practically surrounded him, he escaped while they were sleeping and crossed the Muskingum at Eaglesport in Morgan

county. Then taking to the open country, he endeavored to again reach the Ohio. At Salinesville in Columbiana county, he was attacked on Sunday, July 26th, by Major Way of the Ninth Michigan Cavalry, losing thirty killed, fifty wounded and two hundred prisoners. On the same day at two o'clock in the afternoon, near New Lisbon, the county seat of Columbiana county, he was made prisoner by Major George W. Rue of the Ninth Kentucky Cavalry. With General Morgan were taken three hundred and thirty-six men and four hundred horses and guns.

With General Morgan's capture, the people of Ohio breathed a sigh of relief. The raid had been a matter of great expense and suspense to the State, and there was consequent rejoicing at the capture and destruction of the one of the most formidable cavalry forces of the Confederacy. The command had been a terror to the Union people of Kentucky and Tennessee for two years, and any sort of success would have prolonged its stay in Ohio. The chase after Morgan proved very costly to Ohio. Governor Tod called out the militia of thirty-eight counties, composed of 587 companies, aggregating 49,357 men. Some of these were very soon dismissed. For instance, of those that assembled at Camp Chase, one-half were dismissed two days after Morgan entered Ohio; those of the southwestern part of the State were dismissed early in the campaign and the remainder soon after the fight at Buffington's Island. The cost of the raid to the people of Ohio was over a million dollars, divided as follows: for the payment of the militia, $250,000; for their subsistence and transportation, $200,000, and the amount of

damages referred to in this chapter, $576,255. Of the regular volunteer force of Ohio, the Forty-Fifth Infantry and the Second and Seventh Cavalry shared in the pursuit of Morgan. Although a brief, it was a hard campaign. The cavalry regiments rode for twenty-six days, twenty hours out of the twenty-four and through three states, and both were in the engagement at Buffington's Island.

On October 1st, General Morgan with a number of his officers and men, by order of the United States authorities, were confined in the Ohio Penitentiary at Columbus. Just after midnight, November 27th, he and six of his captains escaped. This was accomplished by tunneling beneath the wall of the prison. It was a bold and adroit feat and the State was amazed when it became known. Captain Thomas H. Hines, afterward Chief Justice of the Court of Appeals of Kentucky, was one of the seven fugitives, and left a memento to the Warden in a note addressed: "Hon. N. Merion, the Faithful, the Vigilant," and reading as follows:

"Castle Merion, Cell No. 20,
"November 27, 1863.

"Commencement—November 4, 1863. Conclusion—November 20, 1863. Number of hours for labor per day—three. Tools—two small knives. *La patience sit amer, mais son fruit est doux.* [Patience may be bitter, but its fruit is sweet.]

"By order of my six honorable confederates.

"T. Henry Hines,
"Captain C.S.A."

Safe beyond the outer walls the fugitives divided. General Morgan and Captain Hines proceeded straight to the depot; the latter bought tickets to Cincinnati and they quietly boarded the train which had just come in from the East. General Morgan on entering the car saw a Federal officer sitting alone, and, politely addressing him, seated himself by his side. They were soon engaged in pleasant conversation. In a moment the train was speeding toward Cincinnati. The short acquaintance of the General was evidently satisfactory, and, producing a flask of brandy, he invited the officer to drink; the invitation was accepted gratefully and courteously. By this time the train was passing the Penitentiary and its gloomy form was outlined even in the darkness of the night. "That is the hotel at which Morgan stops, I believe," said the officer. "Yes," answered the General, "and will stop, it is to be hoped. He has given us his fair share of trouble, and he will not be released. I will drink to him: May he ever be as closely kept as he is now." From this time on the night passed between the twain in jovial converse.

In the gray dawn of the morning the suburbs of Cincinnati were reached. Morgan coolly pulled the bell rope, and moving to the front platform, while Captain Hines went to the back, they both pulled the brakes with their full strength. The train slackened in speed and they jumped off. It was but a few yards to the Ohio River, where they found a boy with a skiff, and soon they were in Kentucky on their way to the Confederate lines.

When the morning papers of November 28th announced Morgan's escape, people of Ohio were stunned

with the audacity and success of the feat. Then came the usual crop of rumors that follow sensational events. Charges were made of treachery inside the prison, of assistance by friends from the outside, and of money used to secure the escape. Governor Tod appointed a commission consisting of General George D. Wright, Quartermaster General, and B. F. Huffman, Private Secretary of the Governor, to make a full examination of the facts relative to the escape. Numerous affidavits and the testimony of many witnesses, together with their report, may be found in the "Messages and Reports to the General Assembly and Governor of the State of Ohio for the year 1863," Part I, pages 246–264. This report shows that although there was no evidence whatever of any collusion or corruption on the part of anyone, the escape could not have been made if there had been vigilance and strict discipline in the prison. Governor Tod in his communication dated December 11, 1863, to Warden Merion, relieved him of any criminal responsibility, but he did say that "the sole reason for their escape is to be found in the misunderstanding between General Mason and yourself as to which of you should, after the third of November, be responsible for, and have the care of and inspection of the prison cells." The escape was also investigated by a committee of the House of Representatives appointed January 8, 1864. After taking testimony and making a full inquiry, the committee reported that in view of all their knowledge they were of the opinion that the State authorities were in no way responsible for the escape.

The closing days of Governor Tod's Administration were now at hand, and he was about to lay down his office conscious of an Administration that was full of usefulness to the State. To that end he had worked zealously and effectively. His state papers, as preserved in the "Executive Documents," are evidence of this, and they make a complete and authoritative history of the second war Administration of the State, as well as a faithful guide to the historian of that period. In these we find the details of his provisions for burial places for Ohio soldiers; his correspondence relating to stragglers and absentees; his orders concerning the raising of colored troops; letters and papers relative to the payment of Ohio soldiers; documents and legislation as to arming the militia; reports as to the burial of the dead and the care of the sick and wounded in the regiments in the field; the military correspondence relating to Morgan's raid, capture and escape, as well as the threatened raid on the eastern border—all indicating that fidelity and attention to the State at home, as well as to her soldiers in the field, were the controlling features of the close of Governor Tod's Administration. He had kept up his efforts in recruiting the army, so that up to December 31, 1863, the total number of Ohio troops that had engaged in the service of the United States was 200,452. In detail, the military force furnished up to that date consisted of one hundred and twenty-nine regiments of infantry, two companies of guards, eight companies of sharpshooters, twelve regiments of cavalry, two battalions of six months' cavalry, one regiment and twenty-six batteries of light artillery and two regiments of heavy

artillery. Besides these about eight thousand white and colored soldiers had been recruited in Ohio for other states.

John Brough was inaugurated as Governor January 11, 1864. In his inaugural he reaffirmed in aggressive terms the principles on which he made his canvass in the summer before. He devoted his address to war matters, both State and National. He especially advocated caring for the families of the soldiers, and to that end he favored the increase of the war tax, and he urged that Ohio do everything in its power to aid the National Government in suppressing the Rebellion. Said he, "There are but two ways in which the restoration of peace and the Union is to be accomplished; first, the unconditional surrender of the leaders and the abandonment of the Rebellion; or, second, the continued progress and conquests of our arms until the military power of the Confederacy is broken, and the heart of the Rebellion is crushed. All intermediate plans or schemes are mere palliatives that, like our compromises of the past fifty years, will only serve to procrastinate existing evils; restoring peace that will require constant watch from us and concessions, and prosperity that will be dependent upon annual sacrifices to avoid future demands and insurrections. In view of the permanence of our Government and the integrity of our Union, there is no such thing as compromise with rebels in arms against both. Turn from it as we may, the great truth is apparent to every reasoning mind that submission or subjugation for the leaders of the Rebellion are the only means of restoring peace and good government again."

Governor Brough's Administration followed these ideas, and all through his term of office, until his death, he gave to the State and Nation untiring energy, great executive force and every patriotic endeavor to sustain the Union cause. His first measure was the enlistment of the State militia into the Ohio National Guard for one hundred days' service. This movement was originated by Governor Brough when he called the historic convention of "War Governors" of the states of Ohio, Indiana, Illinois, Iowa and Wisconsin. The conference was held at Washington, and on April 21, 1864, the Governors notified President Lincoln that they could furnish him 85,000 men for one hundred days, without a dollar of bounty or a single draft. Ohio's share of this array was 30,000 men. It was a great drain to make upon the State at that time, but it was loyally met. Under the management of Governor Brough's Adjutant General, Benjamin R. Cowen—a man of strong character, excellent judgment and great capability,—the entire quota was filled by the day of rendezvous. Then General Cowen proudly telegraphed the Secretary of War: "More than 30,000 National Guards are now in camp and ready to muster." As a matter of fact there were five or six regiments more than the number required, and when the Governor asked Secretary Stanton to accept them he replied: "I will accept all the troops you can raise. They may decide the war."

Under this arrangement Ohio organized forty-one regiments and one battalion for the hundred days' service, of the strength of 35,892 men. They are entitled to great credit, although their term was brief,

for they performed the assigned duty with fidelity and patriotism. They garrisoned the defenses around Washington, thereby freeing the 30,000 veterans there who were transferred to Grant's army for the Wilderness campaign. In detail their distribution was as follows: One regiment and a battalion was attached to Johnson's Island, one to Camp Chase, one was stationed at Gallipolis and two at Camp Dennison. The remaining thirty-six regiments, amounting to 31,051 men, went to Virginia, Maryland and about Washington. Of these, six joined General B. F. Butler, two were in the battle of Monocacy, one was stationed at Martinsburg, West Virginia, and three went into Kentucky, where they met General John Morgan in his final raid.

As a whole, the service of the Ohio National Guard was appreciated by the veterans—both officers and men. It disappointed those at first that were inclined to sneer, as the regulars had sneered at the volunteers early in the war, but the Guard did its duty and General Grant, we are informed by General Cowen, recognized this when he said that the reinforcement of the forty-two regiments sent him at the opening of the battle in the summer of 1864, enabled him to make that campaign the prelude to the closing scene at Appomattox. "This," says General Cowen, "was expressed in a private letter written to Governor Brough by Grant about June 1, 1864, wherein he said that he had never seen a battery more promptly supported than he was supported by the National Guard of his native State in May, 1864."

If this can be said of the Ohio National Guard, what of the veterans in the field? The answer is to be found in the record of the military movements of the Union Army in this year. In March, April and May the Forty-Eighth, Fifty-Sixth, and Ninety-Sixth Ohio Volunteer Infantry participated in the disastrous Red River Expedition under General Banks. Other Ohio troops were in the campaigns of the Army of the Potomac, the Army of the James, and with Sheridan in the Shenandoah Valley. But the greatest glory of the year can be credited to Ohio for the participation of her soldiers in the battles around Atlanta and in Sherman's "March to the Sea." In all of these brilliant campaigns the men from Ohio figured conspicuously. In the operations of the armies of the Cumberland, the Tennessee and the Ohio, from Chattanooga to Atlanta, the State of Ohio contributed eighty-six regiments and sixteen batteries. Ohio commanders were the principal leaders in the battles of the Atlanta campaign. The roll is one, indeed, of honor and glory: Major General William T. Sherman was Commander-in-Chief; Major General J. B. McPherson was Commander of the Army of the Tennessee; Major General David S. Stanley, Commander of the Fourth Army Corps; Brigadier General Jacob D. Cox, Commander of the Twenty-Third Army Corps; Manning F. Force, John W. Fuller, William B. Hazen, Mortimer D. Leggett, Thomas J. Wood and Charles R. Woods were Division Commanders; R. N. Adams, Samuel Beatty, John R. Bond, P. E. Burke, John S. Casement, Charles Candy, George P. Este, William H. Gibson, C. G. Harker, Theodore Jones, Wells S. Jones, Isaac M. Kirby,

JAMES BIRDSEYE McPHERSON

Born in Clyde, Ohio, November 14, 1808; graduated from the United States Military Academy, 1853; appointed Captain, August 6, 1861; Brigadier General of volunteers, May 15, 1862; Major General of volunteers, October 8, 1862; Brigadier General of the United States army, August 1, 1863; killed July 22, 1864, in the repulse of a sortie from Atlanta, Georgia.

the Shenandoah Valley. But the greatest glory of the war can be credited to Ohio for the participation of her

"March to the Sea." In all of these brilliant cam-

the State of Ohio contributed eighty-six regimen

The roll is one, indeed, of honor and glory:

Major General J. B. McPherson was Comma

the Army of the Tennessee; Major General

Sherley, Commander of the Fourth Army

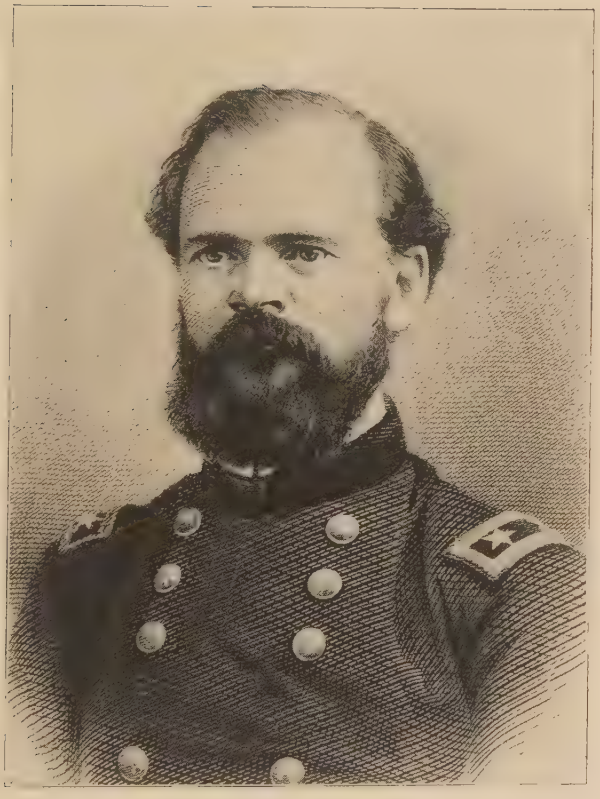
Fuller, William B. Hazen, Mortimer D. Legge

Thomas J. Wood and Charles R. Woods were Divi

Neal, P. E. Burke, John S. Casement, Charles Ca

George P. Este, William H. Gibson, C. G. Ha

Theodore Jones, Wells S. Jones, Isaac M. K



Daniel McCook, N. C. McLean, John G. Mitchell, Emerson Opdycke, Sidney Post, B. F. Potts, J. W. Reilly, James S. Robinson, Robert K. Scott, John R. Sprague, Silas A. Strickland, Jacob E. Taylor, F. Van Derveer, Charles C. Walcutt, G. F. Wiles and William B. Woods were Brigade Commanders.

When General Sherman set out on his historic march from Atlanta to the Sea and through the Carolinas the following Ohio regiments formed a part of his magnificent organization: Fifth, Eleventh, Fourteenth, Seventeenth, Twentieth, Twenty-First, Twenty-Seventh, Twenty-Ninth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Third, Thirty-Seventh, Thirty-Eighth, Thirty-Ninth, Forty-Third, Forty-Sixth, Forty-Seventh, Fifty-Second, Fifty-Third, Fifty-Fourth, Fifty-Fifth, Fifty-Seventh, Sixty-First, Sixty-Third, Sixty-Sixth, Sixty-Eighth, Sixty-Ninth, Seventieth, Seventy-Third, Seventy-Fourth, Seventy-Sixth, Seventy-Eighth, Seventy-Ninth, Eightieth, Eighty-First, Eighty-Second, Eighty-Ninth, Ninety-Second, Ninety-Fourth, Ninety-Eighth, One Hundred and Fifth, One Hundred and Eighth, One Hundred and Thirteenth, One Hundred and Twenty-First, One Hundred and Seventy-Fourth, One Hundred and Seventy-Eighth, One Hundred and Eightieth, and One Hundred and Eighty-First Infantry; First Ohio Squadron, and Fifth, Ninth and Tenth Ohio Cavalry; First Ohio Light Artillery, Battery C, and Fifteenth Ohio Battery.

As we read of this vast number of men withdrawn from the population of the State, the inquiry naturally arises as to what effect it had upon the different communities at home. These regiments came from the

colleges, the farms, the workshops and the counting-rooms. Did their absence severely affect the domestic condition of the State or restrict the usual production of labor and manufacture? A passing examination of this question will be interesting and informing.

The effect of the war upon the schools of Ohio is fully set forth in the "Eighth Annual Report of the State Commissioner of Common Schools to the Governor of the State of Ohio for the Year Ending August 31, 1861." The Commissioner, after communicating with the various counties of the State, finds the condition of National affairs has not diminished the interest in educational affairs, and beyond a reduction of the tax levies and the pay of teachers in a few counties, the schools maintained their accustomed prosperity. There was noticed by the school authorities everywhere an increasing patriotism among the pupils, and an increase in the spirit of obedience, doubtless due to the ever-prevailing and always-apparent military discipline. The appendices of the report contain numerous letters (Appendix A), on which the Commissioner bases his statements. And it is interesting to observe that this spirit was widespread, as the letters published (Appendix B) from fourteen states show. In no State, except Kentucky, was there any interruption of educational progress.

In his annual report for 1862, the Commissioner devotes considerable space to the school-teacher in the army, and estimates that fully five thousand teachers were at the front. Among the most prominent teachers and professors he mentions, Major Generals O. M. Mitchel and J. D. Cox, Brigadier Generals

Jacob Ammen and J. A. Garfield, Colonels Loren Andrews, E. B. Andrews and M. D. Leggett, Lieutenant Colonels W. H. Young, Z. M. Chandler and T. F. Wildes, Majors John M. McClenehan, D. F. DeWolf and M. W. Smith. This report also notes the effect of the war upon the colleges of the State. They were all materially affected. Ohio Wesleyan, Ohio, Antioch, Oberlin, Marietta, Kenyon, Western Reserve and Miami colleges all reported decreased attendance and many of their students in the army.

The effect of enlistments on the productive capacity of the State is wholly due to the deduction of able-bodied men from the general population. This, proportionately, is not as large as one would at first expect on reading the aggregate enrollment for the army. Edward D. Mansfield, who was Commissioner of Statistics for Ohio from 1859 to 1868, discusses this subject in his annual report for 1863. Taking as the factor of production in the State the number of able-bodied men in Ohio in July, 1863, viz: 554,857, he says: "The Governor reported in his message that from the beginning of the war to January, 1864, there had been enrolled from Ohio in the army (at all times) 200,671. Of these, however, he reports 15,000 raised in the past year. In fact they were raised in July. Fifteen thousand three months' men were twice counted, so that from the aggregate thirty thousand, five hundred must be deducted to ascertain the number of those who volunteered for three years, or the war. This gives 170,171. At least thirty thousand have from one cause or another been discharged, so that there remain 140,000

who are either absent with the army, dead or disabled. Taking the date of the first of July, 1863, as the one to estimate by, we have this result:

Whole number of able-bodied men	554,857
Whole number absent, dead or disabled	140,000
Number of able-bodied men remaining for service in the State	414,857

"This is several thousand less than those who actually voted in October, 1863. But for the difference, there are sufficient reasons: 1. There were several thousands of soldiers in the State who voted; 2. There was a considerable number of those who are put under the head of disabled; and 3. There was an increase from July, 1863 (at which date the above calculation is made) and the October election. All these together will more than make the deficiency. In 1863, therefore, there were more than 400,000 able-bodied men at home in Ohio, employed in the usual avocations of life. That is one-sixth of the population, and more than two-thirds of the able-bodied men. This is ample enough, taking into view the great use of machinery now employed in agricultural purposes. With a population of 2,450,000 in 1863, and after all the drafts and losses of the war, 400,000 active, able-bodied laborers! Ohio has no longer anything to fear from the reduction of her industry."

Notwithstanding Mansfield's conclusion, there are facts collected in his reports for the next year—1864—that indicate a considerable reduction in the production

dependent upon able-bodied men. For instance, agriculture generally showed a continued decrease from 1861 to 1864 inclusive. The arable land cultivated for the food products and tobacco, showed the serious falling off in 1863, from the average of the three previous years, of twelve per cent. This was altogether due to the withdrawal of labor. One-third of those who plowed the land went into the army, according to Mansfield, which necessarily caused a reduction in the preparation and cultivation of farm land. The reduction in plowed land for this period was also stated to be 700,000 acres, which is equal to fourteen million bushels of grain. "The general conclusion we must come to," says the report for 1864, "is, that in 1863 and 1864 the abstraction of so large a number of laborers for the army has begun to produce a serious effect in the reduction of culture and productive crops. Probably, the war, if not entirely ended, will be so much reduced in magnitude that labor will be found in sufficient amount to carry on successfully and prosperously the farming operations of this great agricultural State."

One of the weakening effects of the war was the diminution of marriages. This became apparent, and was natural, from the start. While the population was steadily increasing from immigration and births, the aggregate number of marriages was being reduced. The total marriages in 1860 and 1861 were 45,357, and in 1862 and 1863, 38,840, a decrease in two years of 6,617. The annual average of marriages for two years before the war was 22,676, and during the first two years of the war it was 19,420. This information is more

interesting in the light of subsequent statistics. The marriages of 1864 were 20,881; of 1865, 22,198 and of 1866, 30,479. Thus we see that in 1863, the very midst of the war, the number of marriages had fallen to 19,300, which is 6,000 below a previous maximum of 25,616 in 1857, and that in 1866 the number rose to 30,479—6,000 above the previous maximum and 8,000 above the year before, 1865. This condition was due wholly to the war. In the two years of 1863 and 1864, the State was drained of its able-bodied men to the highest point reached. The majority of these were unmarried and at the marrying age. Had they remained at home, thousands of them would have been married. The close of the war reversed this condition of society. A large number of able-bodied men returned to the State, all the conditions and motives favorable to marriage existed and we see the result in over 8,000 more marriages in 1865 than in 1864.

Another phase of the war period shows a trend in the direction of increase and progress. This was the better financial condition of the people of Ohio. From 1860 to 1863 the bank deposits in the State more than doubled. This was partly due to the fact that soon after war began, the process of paying off debts commenced. In two years—1862 and 1863—the mortgaged debt of the people of the State was reduced sixteen million dollars. This decrease of indebtedness was not confined to mortgaged debt, but it also extended to commercial indebtedness.

In the summer of 1864 a new and threatening force against the Union sentiment in Ohio was developed. This was a secret organization called the "Order of

American Knights," or "the Sons of Liberty"; in some places it was known as the "Knights of the Golden Circle." It was clearly a secret treasonable organization formed to affiliate in the North with the Southern Confederacy. Its character was chiefly military. This was unmistakably evidenced by the records of the Order, seized by the Government. Its secret constitution provided that the National head, the Supreme Commander, "shall be commander-in-chief of all the military forces belonging to the Order in the various states when called into active service," and that the State head, the Grand Commander, "shall be commander-in-chief of the military forces of the State." This military system prevailed down to the townships, the military organization of which was a "company." The "lodges" or "temples" of the Order were scattered through the states of Indiana, Ohio, Illinois, Missouri and Kentucky. They were also officially reported as being established to a less extent in Michigan and the other Western states, as well as in New York, Pennsylvania, New Hampshire, Rhode Island, Connecticut, New Jersey, Maryland, Delaware and Tennessee. The Supreme Commander of the Order was P. C. Wright of New York, editor of the *New York News*, who was in May, 1864, placed in arrest and confined in Fort Lafayette. His successor in office was Vallandigham, who had been elected at the annual meeting in February before. It was at this meeting that the Order declared for "a cessation of hostilities upon existing facts, and a convention of the sovereign states to adjust the terms of peace with a view to the restoration of the Union, entire, if possible, if not, so much

and such parts as the affinities of interest and civilization may attract." Further details concerning this organization are not essential to this narrative. The reader who desires to acquaint himself with such will find them in the Report of the Judge Advocate General to the Secretary of War, dated October 8, 1864, in the records of the War Department, Bureau of Military Justice; also in "The Trials for Treason at Indianapolis, Disclosing Plans for Establishing a Northwestern Confederacy," edited by Benn Pitman (Cincinnati, 1865). In these publications may be found the fullest details acquired by the Government through spies, detectives, witnesses and seizures, of the gigantic conspiracy to erect a new nation in the Northwest by secession.

The Confederate Government at Richmond was fully advised of the movements and purposes of the "Sons of Liberty." As early as March, 1864, President Jefferson Davis of the Southern Confederacy determined to send North some of his officers to organize a movement to release the Confederate prisoners, and these, with their allies, were to seize Northern cities and establish a new confederacy.

In September, 1864, at Camp Douglas, near Chicago, there were 5,140 prisoners; at Camp Chase, near Columbus, there were 4,778; at Camp Morton, near Indianapolis, 884; at Springfield, Illinois, 7,240; and at Johnson's Island, in Sandusky Bay, 2,662 officers were confined. The plan was to simultaneously release all these prisoners, and, with the aid of the "Sons of Liberty" in Ohio, Indiana and Illinois, occupy Chicago, Indianapolis and Columbus. Out of this general

"rising" was to grow a new republic in the Northwest. Jefferson Davis selected to organize this movement Captain Thomas H. Hines of the Ninth Kentucky Cavalry (Morgan's Division). He had escaped with Morgan from the Ohio Penitentiary in November, 1863. In the *Southern Bivouac*, Louisville, Ky. (Volume II, Nos. 7, 8, 9, 11—1886–1887), Captain Hines has written a complete history of the Confederate negotiations in Canada relative to the Northwestern Conspiracy. With the commission of James A. Seddon, the Confederate Secretary of War, Hines proceeded to Canada to commence operations and to confer with Jacob Thompson, the Special Commissioner of the Confederate States in Canada. Mr. Thompson had established himself in this capacity at Montreal on May 30th, and had deposited a large amount of money for his purposes in the Bank of Ontario in that city.

The prime object of the Confederate Commissioner's Canadian mission was to endeavor to bring influence on President Lincoln with a view to peace between the North and South. He thought he could negotiate better in Canada and be closer to prominent Northern men, as well as be more easy of access. All efforts at peace failed because they were conditioned on the independence of the Southern Confederacy. He next turned his attention to utilizing the feeling engendered and represented by the "Sons of Liberty" into an active force for a military movement in the Northwestern states against the Government. On June 9th, Captain Hines was sent by Thompson to interview Vallandigham, who at that time was at Windsor, Canada, and to get specific information from him, concerning the

Order of which he was the Supreme Commander. The result of this interview was that on June 11th Vallandigham and Thompson met for a conference. On this occasion, according to Captain Hines, Vallandigham stated that the "Sons of Liberty" numbered 300,000, and that in Illinois there were 84,000, in Indiana 50,000 and in Ohio 40,000. At this time also Vallandigham introduced to Thompson a member of high rank in the Order, and through this man was arranged a distribution of the funds for arming and mobilizing the organization. Captain Hines in his narrative of his mission says that "a subsequent investigation of the character and sentiment of the 'Sons of Liberty' confirmed perfectly all that Mr. Vallandigham had said, and revealed a feverish desire of the general membership to assert and maintain their rights."

On the night of June 14th, three days after this interview, Vallandigham left Windsor in disguise and on the next day he was at Hamilton, Ohio, where a convention to select delegates to the Chicago National Democratic Convention was in session. To this body he delivered his first speech after more than a year of exile, and was received with marked feelings of enthusiasm. In this speech he referred to the Order of which he was the head, denying that it was a conspiracy, unpatriotic or treasonable. "This is," said he, "the sole conspiracy of which I know anything; and I am proud to be one of the conspirators. If any other exists, looking to unlawful armed resistance to the Federal or State authorities anywhere in the exercise of the legal and constitutional rights, I admonish all persons concerned that the act is treason and the

penalty is death. But I warn also the men in power that there is a vast multitude, a host whom they cannot number, bound together by the strongest and holiest ties, to defend by whatever means the exigencies of the time shall demand, their natural and constitutional rights as freemen, at all hazards and to the last extremity."

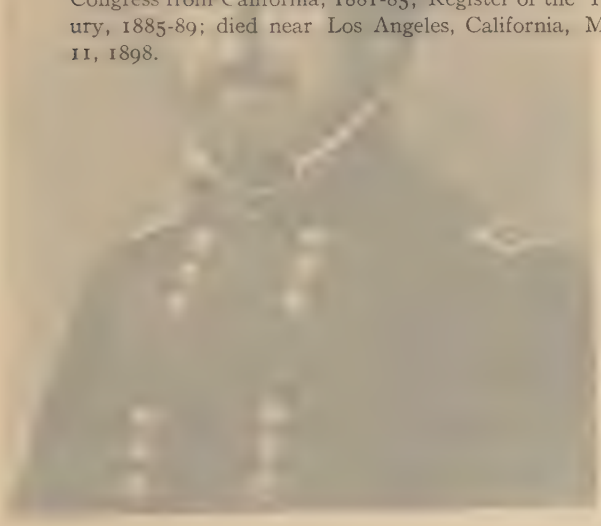
July 20 was the date first fixed upon for the release of the Confederate prisoners and the uprising of their allies in Illinois and Indiana. Commissioner Thompson, in his first report to the Confederate Cabinet at Richmond, thus outlined what was sought to be accomplished: "Though intending this as a Western Confederacy and demanding peace, if peace be not granted then it shall be war. There are some choice spirits enlisted in this enterprise, and what is needed for success is unflinching nerve. For our part it is agreed that Captain T. Henry Hines shall command at Chicago and Captain John B. Castleman at Rock Island. If a movement could be made by our troops into Kentucky and Missouri it would greatly facilitate matters in the West. The organized force of the Federal Government would thus be employed, and this would give courage and hope to the Northwestern people." Awaiting patiently these military movements, action was postponed, and on July 22 the Canadian Commissioner and Captains Hines and Castleman met at St. Catherine's, Canada for further consultation. Delegates from the "Sons of Liberty" urged the revolt for August 22. All parted with the understanding that there would be another meeting on August 7th, when delegates from the State and county organizations

should be present. On that date, accordingly, such a meeting was held at London, Canada, at which August 29, the day of the assembling of the Democratic National Convention at Chicago, was settled upon as the day of action. It was urged that the immense and excited crowds of that occasion would prove a dense cover under which a large body of Confederates and their Northern allies could be concentrated.

During the two days preceding the Convention the Confederates detailed for leading the dangerous and important service began to arrive in Chicago. They traveled in small parties, and to all appearances were in attendance to participate in the political proceedings. By arrangements made in advance, most of them stopped at the Richmond House. These leaders were sixty in number, and Captain Hines in his narrative gives their names. He says: "The men chosen for this work were no mere adventurers; they had enlisted in an enterprise where they knew success was doubtful and that failure meant probably death; and these men have since shown by their success in civil life that they were men of no ordinary capacity." However, he does not speak so highly of the "Sons of Liberty." "For notwithstanding," he says, "that Mr. Vallandigham's representatives were furnished means of transportation and had ample time to make proper distribution and explanation to the more faithful and courageous county commanders why the rank and file should come to Chicago and resist any further attempt upon the liberties of the citizens, * * * it must be confessed that events fully justified the belief

WILLIAM STARKE ROSECRANS

Born in Kingston, Ross county, Ohio, September 6, 1819; was graduated from the United States Military Academy, 1842, and continued in the army till 1854, when he resigned; for some years afterward was engaged in professional and business enterprises in Cincinnati and in Virginia; early in the Civil War was appointed Colonel of an Ohio regiment, and was successively promoted to Brigadier General of the regular army (May, 1861), Major General of volunteers (March, 1862), and Brevet Major General of the regular army (March, 1865); resigned from the army, March 28, 1867; declined Democratic nominations for Governor of California (1867) and Ohio (1869); Minister to Mexico, 1868-69; member of Congress from California, 1881-85; Register of the Treasury, 1885-89; died near Los Angeles, California, March 11, 1898.



were sixty in number, and Captain Hines in his na
tive gives their names. He says: "The men chosen
for this work were no mere adventurers; they had
enlisted in an enterprise where they knew success wa
these men have since shown by their success in ci
ve that they were men of no ordinary capacity.
Liberty." "For notwithstanding," he says, "th
Mr. Vallandigham's representatives were furnishe
means of transportation and had ample time to ma
proper distribution and explanation to the more fai
and courageous county commanders why the ra
mob should come to Chicago and resist any furth
attempt upon the liberties of the citizens, * * *
must be confessed that events fully justified the be

that some of the principal agents employed were lacking either in fidelity or courage, or both."

The story of the collapse of a movement that in the secrecy of lodges and on paper assumed gigantic proportions, can best be given by Captain Hines himself, who could truly say, "All of which I saw and part of which I was."

Of the prospects of success, he says: "Men commended to us by Mr. Vallandigham had been intrusted with the necessary funds for perfecting the county organizations; arms had been purchased in the North by the aid of our professed friends in New York; alliances offensive and defensive had been made with peace organizations, and though we were not misled by the sanguine promises of our friends, we were confident that with any sort of coöperation on their part success was reasonably possible. During the excitement that always attends a great political Convention, increased as we supposed it would be by the spirit of opposition to the Administration, we felt that we would be freer to act unobserved, and that we could move with promptness and effect upon Camp Douglas. With nearly five thousand prisoners there, and over seven thousand at Springfield, joined by the dissatisfied elements in Chicago and throughout Illinois, we believed that at once we would have a formidable force, which might be the nucleus for a much more important movement. Everything was arranged for prompt action, and for the concentration and organization of all these bodies. It was, as we felt, the first step that was the most difficult and the most serious. Success

was only possible by prompt and concerted action during the Convention. The Confederates were ready."

Of the preparations for action, he says: "Arms were ready, and information had been conveyed to the prisoners of war of our intention. Chicago was thronged with people from all sections of the country. And among this vast crowd were many of the county officers of the secret organization on whom we relied for resistance. Most of these present at our Chicago conference were from Illinois; men well known in their own localities, whose influence, once they were committed to our plans by some overt act, would be of vast service. It was essential to the success of any undertaking for us to know definitely what armed forces the representatives of Mr. Vallandigham could provide. For this, a meeting of the officers of the organization was held at the room of Hines and Castleman at the Richmond House the night before the Convention, August 28, 1864."

The finale is thus described: "The evening of the twenty-ninth of August came, but on the part of the timid, timidity became more apparent, and those who were resolute could not show the strength needed to give confident hope of success. The reinforcements sent by the Administration to strengthen the Chicago garrison had been vastly exaggerated, and seven thousand men was the number rumor brought to the ears of the 'Sons of Liberty.' Care had been taken to keep informed as to what troops came to Camp Douglas, but the statement made by Hines and Castleman to the effect that only three thousand were present did not counteract the effect produced by the rumor that

the Federal forces numbered more than double that number. When, therefore, a count was taken of the number of the 'Sons of Liberty' on whom we could rely, it seemed worse than folly to attempt to use them. There were not enough to justify any movement which would commit the Northwestern people to open resistance, and not even enough to secure the release and control the organization of the prisoners at Camp Douglas as the nucleus of an army which would give possible relief to the Confederacy."

With all hope of success abandoned, Captains Hines and Castleman, together with their associate Confederate officers, left Chicago. The celerity of their departure was increased when they became aware of great vigilance and activity on the part of the agents of the Government.

During all this time Vallandigham was in Chicago as a delegate to the Convention from the Third Congressional district of Ohio. He opposed the nomination of General McClellan for the Presidency and was defeated for the position of Chairman of the Committee on Resolutions.

Notwithstanding the fiasco at Chicago, it was determined to attempt to release the prisoners at Johnson's Island, in Sandusky Bay, and at Camp Chase, near Columbus. It was a bold and daring project and came perilously near succeeding. This was undertaken by Captain Charles H. Cole, a Confederate officer of General Forrest's cavalry, and Captain John Yates Beall of the Confederate Navy. The plan was to capture the gunboat *Michigan*, carrying eighteen guns, the only armed vessel on the Lakes, and thus give the

Southern Confederacy practical supremacy on those waters. If this was accomplished the cities in New York, Pennsylvania, Illinois, Michigan, and Wisconsin, which were upon the Lakes, would be at the mercy of and under tribute to the Confederates. As a sequence to this, it was planned to release the twenty-six hundred prisoners at Johnson's Island, seize Sandusky, and by train pour these forces into Columbus and release the prisoners, nearly five thousand, at Camp Chase.

The whole plot was daring to the point of rashness, but the men engaged were fully equal to their task and save for treachery they would probably have succeeded. The story of the conspiracy and the remarkable effort to consummate it, reads like a chapter from a novel, and, with the thrilling adventures of the "Andrews Raiders," it ranks as one of the romances of the Rebellion.

Captain Cole came to Sandusky in the early summer of 1864, ostensibly from Philadelphia, as the secretary and representative of the Mount Hope Oil Company of Titusville, Pennsylvania. His genial bearing and gentlemanly accomplishments soon won him friends. His oil company was successful and the investors soon received dividends which gave him a creditable standing as a business man. He maintained a respectable deposit in a Sandusky bank, and while not reckless or dissipated he dispensed his hospitality in a way consistent with a well-bred gentleman. Gradually, he attained a social standing and in time became the friend and associate of the officers of the *Michigan*. Indeed, he was a guest of the officers in a tour around the Lakes,

during which he acquired much knowledge, which he reported to the Confederate Commissioner, Jacob Thompson. Captain Cole in return wined and dined the officers with magnificent but not ostentatious hospitality. Similar social relations were developed with the Federal officers on Johnson's Island, and so close did they become that Captain Cole, in a sympathetic way, was permitted to hold free converse with the Confederate officers imprisoned on the island. In fact, his genial and generous nature soon made him a privileged character on lake and land. These congenial associations he did not fail to turn to account. He secured the enlistment of ten Confederates as members of the Federal Regiment doing duty on Johnson's Island, and two more of his "friends" were kindly taken care of by being enlisted as seamen on board the *Michigan*.

Finally all the plans had been laid, and the time arrived for action. In *The Firelands Pioneer* (New Series, Vol. 1, June, 1882), Captain Cole graphically describes his part in this enterprise. Of the purpose, he says: "Our plans were finally matured, and it was decided to make the attack on Monday, the nineteenth day of September. The intention was, the moment the *Michigan* was captured and the Confederate officers released, to cut all the telegraph wires leading out of Sandusky, seize a railroad train, run down to Columbus, assist in releasing the prisoners there, then run back to Sandusky and establish temporary headquarters of the Confederate Department of the Northwest. General Trimble of Maryland, who was the ranking Confederate officer confined on Johnson's Island, was

to be made Commander-in-Chief, and I had in my pocket a commission from the Confederate Government, appointing him to that position the moment he was released. I was supplied with other commissions in blank, all properly signed and attested, to give to all other men who enlisted in the Confederate Army for this service. This was done to make them regular Confederate soldiers, so that their services would be legitimate acts of warfare as long as they obeyed orders."

A few days before action, Captain John Yates Beall met Captain Cole at the West House in Sandusky, and the details were all gone over. It was then decided that Beall, with twenty Confederates, should go to Detroit and at that place board the passenger steamer *Philo Parsons*, take possession of the boat, put the passengers ashore at some convenient point, and then steam ahead as if bound for Sandusky. The *Michigan* lay in the bay, and when near her the *Philo Parsons* was to run alongside and capture the gunboat. The preparation for this capture and the arrangements at the Sandusky end were to be taken care of by Captain Cole, who was to send a messenger to Bass Island to notify Beall of his progress.

These arrangements were changed so that Beall, on September 19th, boarded the vessel at Sandwich, a small town on the Canadian side. When Malden, on the same side, was reached, twenty-five men came aboard; they were dressed roughly in citizen's attire. The only baggage of this party was an old trunk, which, as developed afterwards, contained revolvers and hatchets. The *Philo Parsons* proceeded on her

way to Sandusky. She stopped at Kelley's Island to unload freight and take on passengers, and after leaving that point, when about four miles off the Ohio main shore, Beall and his companions took possession of the vessel in the name of the Confederate States. They then made for Middle Bass Island and put the passengers ashore. While the *Philo Parsons* was lying there the *Island Queen*, a passenger boat plying between the Islands and Sandusky, came alongside to land, when she was immediately boarded by Beall's men and her crew and passengers made prisoners. On board the *Island Queen* were thirty-five members of Company K, One Hundred and Thirtieth Regiment, Ohio National Guard, who, having been mustered out, were unarmed. These, with the passengers, were permitted to go ashore. The boat was then lashed to the *Philo Parsons*, which quickly got under way and stood out for Sandusky. When about three miles out, the *Island Queen* was scuttled and drifted on a reef. Steaming in the direction of Johnson's Island, the daring young Confederate proceeded to carry out the vital but the most dangerous part of his programme. This was to lay within sight of the *Michigan* until he received the agreed signal from Captain Cole, and then steam alongside the gunboat and, with his band, board her, and thus open Ohio to Confederate invasion.

In the placid waters of Sandusky Bay Beall, with strained anxiety, viewed the outlines of the *Michigan* in the moonlight, but there was no signal from Captain Cole, whom he supposed was aboard and in possession of the gunboat. To add to his misery, he was confronted with another and more serious danger. Out

of his crew of twenty, seventeen mutinied. In a formal writing, while expressing admiration for their commander for his skill and courage, they said: "But believing and being well convinced that the enemy is already apprised of our approach, and is so well prepared that we cannot by any possibility make it a success, and having already captured two boats, we respectfully decline to prosecute it any further." Left in this helpless position, and unable to enforce his orders, Beall steamed for Sandwich, where he discharged his crew and destroyed his boat.

While the work allotted to Beall was being carried out successfully, Captain Cole was preparing to do his share. This was to secure possession of the *Michigan*, or at least put her in form so there would be the least resistance when Beall lay to with the *Philo Parsons* to board. Cole arranged for a champagne supper on the evening of September 20th, to be given to the officers. A few of Cole's friends, "Sons of Liberty," were also to be present. At about midnight he expected the *Philo Parsons* in the bay within hailing distance. The wine was to be drugged and by this means, at the appointed time, the officers would be incapable of resistance. With the assistance of his secret allies aboard he expected to gain control of the vessel and notify Beall to finish the plot. The dinner came off as planned, "There was a sound of revelry by night," and joy was unconfined. The Captain saw as in a vision the important consequences of his plans. But alas! for the best laid plans of men. He was in the midst of the drinking and was just making an excuse to go on deck to give the signal to the *Philo*

Parsons. What then happened let the Captain tell in his own words: "An officer from Johnson's Island stepped aboard the *Michigan*, and, approaching me, said: "Captain Cole, you are my prisoner."

"'Captain of what?' I asked, with a laugh; 'certainly no man will accuse me of being a soldier.'

"'No,' replied the officer, whom I knew well, 'but here is a telegram saying you are a Confederate spy, and are in a conspiracy to capture Johnson's Island. It orders your arrest. We must at least take you into custody.'

"'Oh, that's all right,' I answered, although I felt it was all up with us. A moment later, however, and it would have been all up with them.

"'Sergeant, search him!' ordered the officer.

"The Sergeant began his work, and almost the first thing he found was my commission from the Confederate Government. Of course, that was enough. I was put under arrest and closely guarded."

Captain Cole was taken to Johnson's Island and was afterward removed to Fort Lafayette. He made an ineffectual attempt at escape, but finally was released on a writ of *habeas corpus* February 10, 1866, at the instance of Jacob Thompson and other Confederate leaders. He escaped to Canada and thence to Mexico, where he fought under Maximilian. When the war was over he was pardoned by the President and returned to the United States. Captain Beall was captured December 16, 1864, in the New York Central station at Niagara Falls. He was tried by a court-martial in New York City, and by its sentence he was hung as a spy February 24, 1865, on Governor's Island. In

the "Trial of John Yates Beall by a Military Commission" (New York. D. Appleton & Co., 1865), may be found all the testimony relating to his daring raid, as well as the arguments of counsel.

While the stirring events that we have been recording were eventuating, the domestic affairs of the State were receiving decided attention from its citizens. Governor Brough and his Administration were under a perfect storm of criticism. He believed in the arbitrary exercise of power and in assuming the fullest personal responsibility in the performance of his duties. In his temperament he was naturally domineering, and he did not hesitate to display this attitude to those with whom he transacted business. It was just the same whether it was President Lincoln or the humblest captain. He was in continual disputes with army officers. He treated all inferior officers as if they were subordinates on his railroad. Nevertheless, he had great ability in comprehending the necessities of the hour. He was equal to all emergencies, incorruptibly honest, zealous in the service of the State and Nation and he was particularly the friend and guardian of the private soldier. Most of his quarrels with the officers were in their behalf. For the two years of his term he kept personal supervision of the hospitals, and watched the treatment of the sick soldiers by the surgeons and the Sanitary Commission until his vigilance became to those care-takers of the ill and wounded a nuisance. He possibly erred in a hundred ways on the side of mercy and benevolence, but no man was more beloved in those days by the private soldiers than Governor Brough.

Defying all criticism, he kept steadily in view the position Ohio should maintain toward the Government and did everything in his power to supply troops. We have seen how his influence organized the Hundred Days' men. He had great trouble, however, in recruiting. Opposed to him was the secret influence of the "Sons of Liberty" and similar organizations. With all this Ohio responded to the President's calls for troops as they were made in 1864. Under the call of February 1st, her quota was 51,465; under that of March 14th, it was 20,595; under the call of July 18th the quota was 50,852 and under the last call of 1864, December 18th, it was 26,027, making a total of all quotas of 148,879 men. This demand of the Government was loyally met, so that up to December 31, 1864, the State of Ohio had furnished 346,326 men to the service of the United States.

With April, 1865, came Appomattox, and then peace, and the greatest war of history was ended.

A brief review of the record of Ohio in this most trying period of the Nation's history will show the remarkable contribution she made in patriotism, blood and treasure. Of her troops that she sent to the field, 11,237 were killed or mortally wounded, and 13,354 died of disease. The people of Ohio paid out in money, according to the Adjutant General's report for 1866, for local bounties during the war, over $54,000,000, and the State Government's expenses amounted to over $11,000,000, making the total expenditures chargeable to the war and paid by the State, and her people, over $65,000,000.

There may be added to this the generous and patriotic contributions raised by the various aid societies, the true amount of which will probably never be known. The most important and efficient of these were organized by the women, and they formed the most effective source of supplies for the soldiers at the front and in the hospitals, and at the same time rendered practical assistance to the soldiers' families at home. It is a fact worthy of remembrance that the first regular organization of this kind formed in the North for the relief of soldiers was organized at Cleveland, April 20, 1861. The echoes of the guns at Sumter had scarcely died away before the women of Ohio were thinking of ameliorating the hardships of the soldiers from Ohio who so promptly marched to the front. This organization alone, the "Soldiers' Aid Society of Northern Ohio," distributed a million dollars' worth of food and clothing, and up to November 27, 1867, it disbursed in cash $162,956. A similar organization in Cincinnati collected and disbursed $313,926. Both of these heroic societies became branches of the United States Sanitary Commission. A popular method of raising funds for their purpose was through fairs attended to and managed largely by the women. In the fall of 1863 the Cleveland Society cleared $78, 000, and the great Cincinnati Fair in the winter of the same year reaped a net amount of $235,406, all of which went to the soldiers and their families. Similar organizations and efforts were maintained and directed in almost every city in the State. Every church and Sunday-school was a willing channel through which gifts from the loyal people of Ohio found their way to the front.

In the roll of the commanders of the Union Army, Ohio leads the states of the Union. All the great military divisions were at one time or another led by Ohio generals. The following remarkable list of general officers, with their dates and places of birth, can be fairly said to be Ohio's contribution of her military talent to the service of the Union. The * indicates a graduate of West Point; the † that the officer was brevetted Major General for special gallant services on the battlefield. In addition there were one hundred and fifty brevet brigadier generals of Ohio nativity or residence.

Generals

*Ulysses S. Grant, born at Point Pleasant, Ohio, April 27, 1822.

*William T. Sherman, born at Lancaster, Ohio, February 8, 1820.

*Philip H. Sheridan, born at Albany, New York, March 6, 1831.

Major Generals

*Don Carlos Buell, born at Lowell, Washington county, March 23, 1818.

*George Crook, Montgomery county, September 8, 1828.

*George A. Custer, Harrison county, December 5, 1839.

*Quincy A. Gilmore, Lorain county, February 28, 1825.

James A. Garfield, Cuyahoga county, November 19, 1831.

*James B. McPherson, Clyde, November 14, 1828.
*Irvin McDowell, Columbus, October 15, 1818.
*Alexander McD. McCook, Columbiana county, April 22, 1831.
*William S. Rosecrans, Delaware county, September 6, 1819.
*David S. Stanley, Wayne county, June 1, 1828.
Robert C. Schenck, Warren county, October 4, 1809.
Wager Swayne, Columbus, November 10, 1834.
*Godfrey Weitzel, Cincinnati, November 1, 1835.

Major Generals, Resident in Ohio but Born Elsewhere

Jacob D. Cox, born in New York, October 27, 1828.
*William B. Hazen, Vermont, September 27, 1830.
Mortimer D. Leggett, New York, April 19, 1831.
*George B. McClellan, Pennsylvania, December 3, 1826.
*O. M. Mitchel, Kentucky, August 28, 1810.
James B. Steedman, Pennsylvania, July 30, 1818.

Brigadier Generals of Ohio Birth

*William T. H. Brooks, born at New Lisbon, January 28, 1821.
*William W. Burns, Coshocton, September 3, 1825.
†Henry B. Banning, Knox county, November 10, 1834.
*C. P. Buckingham, Zanesville, March 14, 1808.
John Beatty, Sandusky, December 16, 1828.
Joel A. Dewey, Ashtabula, September 20, 1840.
†Thomas Ewing, Lancaster, August 7, 1829.
†Hugh B. Ewing, Lancaster, October 31, 1826.

JAMES ABRAM GARFIELD

Born in Orange, Cuyahoga county, Ohio, November 19, 1831; was educated at Hiram College and Williams College, being graduated from the latter in 1856; elected to the Ohio Senate from Summit and Portage counties in 1859; was commissioned Lieutenant Colonel, August 21, 1861; Colonel, November 27, 1861; Brigadier General of volunteers, January 11, 1862; Major General of volunteers, September 19, 1863; resigned from the army December 5, 1863; member of Congress, 1863-80, and then elected to the Senate; nominated and elected President of the United States, 1880; inaugurated March 4, 1881; shot by an assassin in Washington, July 2, 1881, and died in Elberon, New Jersey, September 19 following.

Mortimer D. Leggett, New York, April 19, 1831.

1826.

*O. M. Mitchel, Kentucky, August 28, 1810.

James B. Steedman, Pennsylvania, July 30, 1818.

Brigadier Generals of Ohio Birth

*William T. H. Brooks, born at New Lisbon, Janua
28, 1821.

*William W. Burns, Coshocton, September 3, 1

†Henry B. Banning, Knox county, November 1
1834.

*C. P. Buckingham, Zanesville, March 14, 1808.

John Beatty, Sandusky, December 16, 1828.

Joel A. Dewey, Ashtabula, September 20, 1840.

†Thomas Ewing, Lancaster, August 7, 1829.

†Hugh B. Ewing, Lancaster, October 31, 1826.

*James W. Forsyth, Ohio, August 26, 1836.
†*Robert S. Granger, Zanesville, May 24, 1816.
†*Kenner Garrard, Cincinnati, 1830.
†*Charles Griffin, Licking county, 1827.
†Rutherford B. Hayes, Delaware, October 14, 1822.
†J. Warren Keifer, Clark county, January 30, 1836.
William H. Lytle, Cincinnati, November 2, 1826.
*John S. Mason, Steubenville, August 21, 1824.
Robert L. McCook, New Lisbon, December 28, 1827.
Daniel McCook, Carrollton, July 22, 1834.
John G. Mitchell, Piqua, November 6, 1838.
Nathaniel C. McLean, Warren county, February 2, 1815.
†Emerson Opdycke, Trumbull county, January 7, 1830.
Benjamin F. Potts, Carroll county, January 29, 1836.
A. Sanders Piatt, Cincinnati, May 2, 1821.
†James S. Robinson, Mansfield, October 11, 1828.
†Benjamin P. Runkle, West Liberty, September 3, 1836.
J. W. Reilly, Akron, May 21, 1828.
*William Sooy Smith, Pickaway county, July 22, 1830.
*Joshua W. Sill, Chillicothe, December 5, 1831.
John P. Slough, Cincinnati, 1829.
Ferdinand Van Derveer, Butler county, February 27, 1823.
†*Charles R. Woods, Licking county.
†Willard Warner, Granville, September 4, 1826.
†William B. Woods, Licking county.
†Charles C. Walcutt, Columbus, February 12, 1838.
M. S. Wade, Cincinnati, December 2, 1802.

Brigadier Generals, Resident in Ohio but Born Elsewhere

*Jacob Ammen, born in Virginia, January 7, 1808.
†Samuel Beatty, Pennsylvania, September 16, 1820.
†*B. W. Brice, Virginia, 1809.
Ralph B. Buckland, Massachusetts, January 20, 1812.
H. B. Carrington, Wallingford, Connecticut, March 2, 1824.
George P. Este, New Hampshire, April 30, 1830.
†Manning F. Force, Washington, D. C., December 17, 1824.
†John W. Fuller, England, July, 1827.
†Charles W. Hill, Vermont.
†August V. Kautz, Germany, January 5, 1828.
George W. Morgan, Pennsylvania.
William H. Powell, South Wales, May 10, 1835.
*E. P. Scammon, Maine, December 27, 1816.
Thomas Kilby Smith, Massachusetts, 1821.
†John W. Sprague, New York, April 4, 1827.
†Erastus B. Tyler, New York.
†*John C. Tidball, Virginia.
†August Willich, Prussia, 1810.

In the civil service connected with the war, Ohio was equally conspicuous and helpful to the Nation. She furnished to the Cabinet of Lincoln the head of the War Department in the person of Edwin M. Stanton, whose stern and vigorous methods won for him the reputation and the corresponding unpopularity of being the greatest executive of that period. One of Ohio's Governors, Salmon P. Chase, became the Secre-

tary of the Treasury and successfully administered the financial department of the Government when finance became one of the arts of war. In the Senate Benjamin F. Wade and John Sherman were respectively chairmen of the Committee on the Conduct of the War and the Committee on Finance. Wade was the leader for the Administration, and his courageous and unfaltering services furnished strength to President Lincoln in all his war policies. Sherman carried into legislation the ideas and financial policies of Secretary Chase. In the House of Representatives Robert C. Schenck, of Dayton, was at the head of the Military Committee. It would require a volume of itself to record the patriotism and labors of these statesmen in the trying days of the war, but a mere reference here will have to suffice.

When peace came, the great State, which sent into the field an army of her sons equal to the war footing of Great Britain at that time, received them within her borders as civilians to become again workers in the shops, mines, the counting-rooms, and on the farms. With a renewed civil life came prosperity unbounded to the State, and with pride in her past and hope in her resources Ohio marched forward to a relatively quiet and uneventful future.

Chapter XI.

POST BELLUM POLITICS

A JOINT resolution of Congress providing for the abolition of slavery in the United States was adopted by a two-thirds vote of the United States Senate, April 8, 1864, and by a similar vote was adopted by the House of Representatives January 31, 1865. By a vote of the requisite number of states—two-thirds—it became the Thirteenth Amendment to the Constitution of the United States. This proposed amendment was ratified by the State of Ohio through the vote of its General Assembly. The House of Representatives ratified it February 8, 1865. All the Union members voted for it—fifty-eight,—and all the Democrats—twelve—voted against it. The Senate ratified it, February 9th, by a vote of yeas twenty, nays four, the latter all Democrats. The ratification of the amendment was celebrated by firing two hundred guns in the Statehouse yard, and in the evening a large mass meeting, to approve the action of the Legislature, was held, which was addressed by Governor Brough and other prominent Union orators.

The year 1865 was crowded with *post bellum* politics. The war was over, and new situations were rapidly being created. The soldiers were back home, and they became a power in public affairs. This was manifested when the question of renominating Governor Brough came up. There came to him the same opposition, but in a new form, that confronted Dennison and Tod. Popular discontent at a faithful official for an upright performance of public duties; it was this and nothing more. The leaders of the Union party of Republican antecedents also wanted a candidate of

the old sect; the war being over, they thought it about time for the Union party to pass out of existence, and that the Republican party should resume business at the old stand. There was a demand among the soldiers for a military candidate. All of these conditions made it apparent to Governor Brough that a renomination could only come to him through conflict. This he did not desire, and on June 16th, in an address to the people of Ohio, he declined to enter the contest for the nomination, and withdrew his name as a candidate. He questioned the condition of his health and feared that he could not stand a vigorous campaign. He also took occasion to say: "In times like the past four years, no man who has filled the position, and honestly and conscientiously discharged the duties of the office of Governor of Ohio, could hope to escape censure and opposition, or fail to destroy what politicians call his availability as a candidate for reëlection. Such was the case with two of my predecessors who were earnest and good men. I could not and did not hope to avoid the same result."

The Union State Convention was called to meet at Columbus on June 21st; the basis of representation, unlike the two previous conventions, was limited by providing for one delegate for each five hundred votes cast for President Lincoln in 1864. The call also provided for delegates from the soldiers still in the field, urging that they be chosen direct from the regiments when possible, or if that could not be done to send a proxy to "some reliable citizen at home." Out of 447 delegates in the Convention the army was entitled to 143 votes.

The nominee of the Convention for Governor was Major General Jacob D. Cox, of Warren, who at the time was engaged in his military duties in North Carolina. General Cox had served throughout the whole period of the war with distinction and was popular throughout the State and especially with the soldiers. He was born in Montreal, Canada, October 27, 1828, while his parents were temporarily sojourning in that place. He removed to Ohio in 1846 and was graduated at Oberlin College in 1851. In 1859-61 he was a member of the Ohio Senate. He entered the army April 23, 1861, and three weeks later he received a commission as Brigadier General and was assigned to Western Virginia. For gallant conduct he was promoted to the rank of Major General, October 7, 1862. He distinguished himself by faithful service at Antietam, Atlanta, Franklin, and Nashville. General Cox was regarded as an ideal candidate, and he met all patriotic demands of the time. The memories of the war were still fresh and it was expected that victory would come to him with an overwhelming majority.

The States Rights Democracy, a dissenting element from the regular organization, met in convention at Columbus August 17th, and nominated a full State ticket. They still had the old ideas regarding nullification and secession which had been wholly ignored by the leaders of Democracy at their meeting held shortly after the Union Convention. Alexander Long, of Cincinnati, was their candidate for Governor. Mr. Long had served one term in Congress from the Cincinnati district and was even more radical than Vallandigham in his opposition to the war. On April 8, 1864,

he made a speech in the House of Representatives urging the recognition of the Southern Confederacy, for which he was censured by the House. He was defeated for reëlection by General R. B. Hayes. As the candidate of the States Rights Democracy he only received three hundred and sixty votes in the State.

The Democratic State Convention met at Columbus August 24th. With a vital resiliency it again appeared to contest with its old enemy before the people of Ohio. Vallandigham was made temporary chairman, and in vigorous speech advocated the principles of his party and opposed negro equality. In the nomination for Governor of a Union general by the Union party, the Democracy felt that it was incumbent on them to also present a military candidate. They were not without ample material. The selection fell upon General George W. Morgan of Mt. Vernon. He had a record that would undoubtedly appeal to the people. The results at the polls showed that he was a strong candidate. General Morgan had served under General Sam Houston in the war for the independence of Texas, and although but eighteen years of age when he entered the army he served throughout the struggle, attracting attention from his superior officers by his gallant conduct. In the war with Mexico he commanded the Second Ohio Regiment as colonel under General Taylor on the Rio Grande. At the expiration of the term of service of the regiment, the President appointed him colonel of the Fourteenth Regular Infantry. After the war he served as Minister to Portugal. He returned to the United States shortly before the Rebellion broke out. As a war Democrat

JACOB DOLSON COX

From a painting by Caroline L. Ransome in the Capitol in Columbus.

Born in Montreal, Canada, October 27, 1828, during a temporary sojourn of his parents there; removed to Ohio in 1846, was graduated from Oberlin, 1851, and admitted to the bar, 1853; member of the State Senate, 1859-61; active in raising troops at the beginning of the Civil War; Brigadier General, 1861, and Major General, 1862; Governor of Ohio, 1866-67; Secretary of the Interior under President Grant, March, 1869, to December, 1870; member of Congress, 1877-79; died August 4, 1900.

and opposed negro equality. In the nomination for without ample material. The selection fell upon a strong candidate. General Morgan had served under of Texas, and although but eighteen years of age by his gallant conduct. In the war with Mexico he commanded the Second Ohio Regiment as colonel under General Taylor on the Rio Grande. At the expiration of the term of service of the regiment, the President appointed him colonel of the Fourteenth Regular Infantry. After the war he served as Minister to Portugal. He returned to the United States shortly before the Rebellion broke out. As a war Democrat

he offered his services to the Government, and November 12, 1861, he was commissioned Brigadier General of Volunteers.

The adoption of the Thirteenth Amendment, forever prohibiting slavery, left the negro on the hands of the Nation. The Republicans in Congress favored in the scheme of reconstruction in the Southern States the conferring of citizenship and suffrage on the late slave. These questions had not yet been formulated into the concrete form of Constitutional amendments, but there was a decided opinion in the Union party of Ohio favorable to negro citizenship and suffrage. This was especially to be found among the radical Republicans. This sentiment found expression in the resolutions passed by county conventions, notably in the counties of the Western Reserve. In the State Convention of the Union party there was a marked division on the subject. The army delegates were generally opposed to negro suffrage. The framing of the platform was, therefore, a delicate piece of work, and their very nearest expression to negro citizenship and suffrage was a resolution reciting "That the experience of the last four years shows the absolute necessity in all our political actions of keeping steadily in view the great principles of our Government as set forth in the Declaration of Independence." Truly a very weak statement, considering that in Congress the whole direction of the Republican party, under the leadership of Thaddeus Stevens, was toward unqualified and universal negro suffrage. The platform on this question was an admirable example of political "dodging." To the element of the Union

party of Republican antecedents, it was extremely dissatisfying, and the sentiments of the Western Reserve were voiced by the *Cleveland Leader* on June 23d, when it said: "We looked for a bold and explicit declaration from the Convention on the subject of negro suffrage in the South, and of equal suffrage to whites and blacks in the State of Ohio; we are disappointed that it has not so declared."

On the other hand the Democrats were bold and defiant in declaring themselves on this subject. Their platform said, "That this Government was made by white men, and, so far as we have the power to preserve it, it shall continue to be a Government of white men." Again, "The effort now being made to confer the right of suffrage upon negroes is an insidious attempt to overthrow popular institutions by bringing the right to vote into disgrace. That the negroes are not competent to the exercise of that right, nor is it necessary to their safety or protection. On the contrary, its exercise by them, if attempted, would be fraught with terrible calamities, both to them and the whites. We are therefore unequivocally opposed to negro suffrage."

So thus was the issue joined between the parties without the question being before them in any form of specific legislation, organic or otherwise. It was purely one of a public opinion, to be expressed in advance of National action on the subject. General Cox was called on early in the campaign for his views. On July 24th, a committee representing the sentiment of Oberlin College addressed a letter to him entitled, "Reconstruction and the Relation of the Races in the

United States." He was asked in this letter, "1st. Are you in favor of modifying our Constitution so as to give the elective franchise to colored men? 2d. In the reorganization of the Southern States, should the elective franchise be secured to the colored people?" The answers of General Cox to this letter, while ingenious, were extremely unsatisfactory. The inquirers had the confident right to expect of him a positive declaration in favor of negro suffrage. All the traditions of Oberlin were epitomized in General Cox. He had drawn his sword for the slave; his young manhood had been spent in this college, an institution that stood for years in favor of the freedom and equality of the black man. For this its professors and students had been ostracized, persecuted and imprisoned.

The answer of General Cox to the Oberlin letter was scholarly and polished, and written in a spirit of soldierly independence; but it was extremely disappointing both to his correspondents and to his party. He did not answer categorically the questions proposed. His letter breathed opposition to negro suffrage principally for the reason that he believed that the white man and the black man could not live together usefully in the same community. His belief was that the war had developed "a rooted antagonism which makes their permanent fusion into our political community an absolute impossibility. The only real solution which I can see is the peaceable separation of the races. What encouragement have we that success will attend a forced political fusion of bitterly hostile races from the antipodes of the human family? It seems manifest to me that there could be no political unity, but rather

a strife for the mastery, in which one or the other would go to the wall." His solution of the race problem was to take certain contiguous territory in the South, in South Carolina, Alabama, Georgia, and Florida, and out of this construct what would practically be a Negro Territory under National sovereignty, as in the West. The proposition met with a storm of dissent in the Union party. It was repudiated by the leaders, and in some counties of the Western Reserve it was condemned in the county conventions of the Union party. This diversity of opinion on an important subject had a bad effect at the polls, as we shall see when we read the returns.

The most vigorous protest to General Cox's letter came from Judge Dickson, of Cincinnati, one of the founders of the Republican party and a member of the Convention that nominated General Cox. Judge Dickson's expression ("Review of the Letter of General Cox of Ohio." By Hon. W. M. Dickson. Boston, 1865) was a logical answer to General Cox's letter and the weakness of the latter's position as demonstrated from a political and economical standpoint. The publication of these two expressions on the negro question developed a general clash in the newspapers of the radical and conservative factions of the Union party. But the papers that opposed the Cox letter were inclined to look over the matter as the personal opinion of the candidate and not in any way representing the party. This painful dissension became emphasized at the campaign opening of the Union party at Warren, Trumbull county, August 15th, when General Cox defended his Oberlin letter and General

Garfield condemned the plans therein advocated and strongly expressed himself as favoring negro suffrage both in Ohio and the South.

As may be surmised, the Democrats made the most of the divisions in the Union party. They attacked it bitterly for its attitude on negro suffrage; for it must be said that its whole tendency was in that direction, although no party declaration had yet been made. General Morgan dwelt at great length in his speeches on the dangerous results that would flow from conferring the voting franchise on the negroes in Ohio. He argued with great effectiveness that such a movement would draw large numbers of black men from the South, and thereby glut the labor market, which would inevitably result in the reduction of wages. He was opposed to the plan of segregation proposed by General Cox, not only from principle, but on account of the enormous expense it would entail upon the people of this country. The land necessary for this scheme, he said, would cost at least six hundred million dollars. He wanted the negro to stay where he was, and he was opposed to enfranchising him at any time or anywhere.

Thus the campaign waged; the Democrats appealing with all their strength to the white man's prejudice against negro suffrage, and the Union party openly divided on the question of its advisability, and by no means in accord with the conservative views of their candidate on that subject.

The results of the election, although General Cox secured a plurality of 28,843 over his opponent, were not encouraging to the Union party. It was evident from the returns that it had lost ground in the estima-

tion of the people. While the Democratic party increased its vote over that of Vallandigham in 1863 by 6,000, the Union party did not poll by 65,000 its vote of that year. Of this decrease fully one-third was chargeable to apathy in the Western Reserve growing out of General Cox's attitude on negro suffrage.

In the midst of the campaign, Governor Brough died. He had been in ill health, caused by the harassing labors of his office, and this was aggravated by an accident from which blood poisoning ensued. He died on the afternoon of August 29th, at his residence in Cleveland. He was unquestionably the greatest historic character in the civil life of Ohio during the war. Whitelaw Reid ("Ohio in the War," Volume I, p. 1,025) thus portrays him:

"Brough was a statesman. His views of public policy were broad and catholic, and his course was governed by what seemed to be the best interests of the people, without regard to party expediency or personal advancement. He was honest and incorruptible, rigidly just and plain, even to bluntness. He had not a particle of dissimulation. People thought him ill-natured, rude, and hard-hearted. He was not; he was simply a plain, honest, straight-forward man, devoted to business. He had not the *suaviter in modo*. This was, perhaps, unfortunate for himself, but the public interests suffered nothing thereby. He was, moreover, a kind-hearted man, easily affected by the suffering of others, and ready to relieve suffering when he found the genuine article. He, perhaps, mistrusted more than some men, but when he was convinced he did not measure his gifts. He was a good judge of

character. He looked a man through and through at first sight. Hence no one hated a rogue more than he; and, on the other hand, no one had a warmer appreciation of a man of good principles. He was a devoted friend."

On the death of Governor Brough, Lieutenant Governor Charles Anderson succeeded him and served for the unexpired term. Governor Anderson was the brother of Major Robert Anderson, the hero of Fort Sumter. Before the war he resided in Texas, where he was imprisoned on account of his loyalty to the Union. He came North, enlisted in the army, and was commissioned colonel of the Ninety-Third Ohio Volunteer Infantry. He was severely wounded at the battle of Stone River, and was compelled to resign. In 1863 he was nominated as Lieutenant Governor on the Union ticket with John Brough. The few months that he occupied the gubernatorial chair were uneventful, and the services performed were merely routine.

Governor Cox was inaugurated January 8, 1866. In the two years of his administration he accomplished much for the State and made important recommendations that were definitely responded to by affirmative legislation. To him Ohio is indebted for the Reform School for Girls, for the Board of State Charities, for Boards of Health in cities and for a thorough revision of the laws relating to taxation of real and personal property.

The question of negro suffrage, which had been the chief irritant in Governor Cox's campaign, had assumed tangible form in the first year of his term. The Fourteenth Amendment to the Constitution of the United

States was proposed by the Thirty-Ninth Congress to the legislatures of the several states on June 16, 1866. By its first section it defines citizenship so as to clothe the negro with all the rights of the white man, and it also denies to any State the right to abridge the privileges of citizens of the United States, to deprive them of life, liberty, or property without due process of law or to deprive any citizen within its jurisdiction. The second section declares that if any State denies the right to vote to any portion of its male citizens over twenty-one years of age, its representation in the House of Representatives shall be reduced proportionately. The two other sections of the amendment relate to other subjects. Governor Cox, in his message to the General Assembly, January 2, 1867, recommended the ratification of this amendment, declaring that it was necessary to correct the evils remaining in the Southern States. The first section was, he said, a grant of power to the National Government to protect the citizens of the United States in their legal privileges in case any State should attempt to oppress any individual or class, or to deny equal protection to any one. The necessity for this section, he maintained, had been manifested long before the war, since the freedom of speech or discussion was not tolerated in the South prior to the war; but this power to limit representation would remain in abeyance so long as the states acted in good faith and gave equal protection.

A joint resolution for the ratification of the amendment was introduced and adopted in the Senate, January 3, 1867, by a vote of twenty-one yeas and twelve nays. It was adopted by the House of Repre-

sentatives the next day by a vote of fifty-four yeas to twenty-five nays. On January 11th, the joint resolution was signed, and thus Ohio ratified the Fourteenth Amendment. New York was the first State in the Union to perform this act. Ohio's resolution had really preceded it in adoption, but the failure to sign it made her second to the Empire State. After this amendment had been ratified by the General Assembly, that body passed a joint resolution, March 27th, providing for the submission of an amendment to the Constitution of Ohio, to be voted on at the coming October election, striking out the word "white" from that instrument. This was really unnecessary, and there was never any reason for its submission after the ratification of the Fourteenth Amendment. Nothing could have prevented colored men voting after the adoption of that amendment. Therefore, these proceedings were useless and irregular. It afforded, however, an issue for the coming campaign, and one which the Democrats used to their great advantage.

The Democratic State Convention for this year, 1867, had already met, January 8th, at Columbus. It was entirely in the hands of the old Peace element, and their leaders, Vallandigham, Thurman, and Pendleton, exercised absolute control. George H. Pendleton presided, Clement L. Vallandigham was chairman of the committee on resolutions, and Allen G. Thurman was nominated for Governor. Then and there the compact was made by these three that Pendleton should be Ohio's candidate for the nomination for President in the National Democratic Convention of the next year, and that, in the event of the election of a Democratic

Legislature, Vallandigham should be elected United States Senator. Judge Thurman, the candidate for Governor, had been trained from youth in politics and was a Democrat of the Jeffersonian school. He had studied law under his uncle, William Allen of Chillicothe, who was afterward United States Senator and Governor. Young Thurman commenced his political career as private secretary to Governor Robert Lucas. He entered Congress December 1, 1845, as its youngest member. In 1851 he was elected one of the five Supreme Court judges under the new Constitution. He ranked high in this position, and his opinions are quoted as of great weight to-day. His mind was instinctively judicial, of great breadth and impartiality of view, with a rugged adherence to right and a hatred of wrong. On the stump he was a cogent and logical speaker, appealing to men's judgments rather than to their feelings. He proved to be a potential and available candidate.

Governor Cox declined to be a candidate for renomination. He saw that he was not in harmony with his party. His views on the solving of the negro question and his support of President Johnson had alienated a powerful element in his party. It was necessary, therefore, that a new candidate should be found. Upon his retirement from the Governorship General Cox devoted himself to the practice of the law until March, 1869, when he became Secretary of the Interior in President Grant's Cabinet. On account of disagreement with certain administration measures he resigned in December, 1870. He returned to Cincinnati to resume his professional life. He was elected

ALLEN GRANBERY THURMAN

Born in Lynchburg, Virginia, November 13, 1813, and came with his parents to Chillicothe, Ohio, 1819; admitted to the bar, 1835; member of Congress, 1845-47; elected Judge of the Supreme Court, 1851, and was Chief Justice, December, 1854, to February, 1856; declined reëlection to the bench and resumed practice of law; unsuccessful candidate for Governor, 1867; United States Senator, 1869-81; Democratic candidate for Vice-President, 1888; lived in Columbus; died there December 12, 1895.

Born in Lynchburg, Virginia, November 13, 1813; and came with his parents to Chillicothe, Ohio, 1819; admitted to the bar, 1833; member of Congress, 1845-47; elected Judge of the Supreme Court, 1851; and was Chief Justice, December, 1854, to February, 1856; declined reelection to the bench and resumed practice of law; unsuccessful candidate for Governor, 1867; United States Senator, 1869-81; Democratic candidate for Vice-President, 1888; lived in Columbus; died there December 12, 1895.

secretary to Governor Robert Lucas.

under the new Constitution.

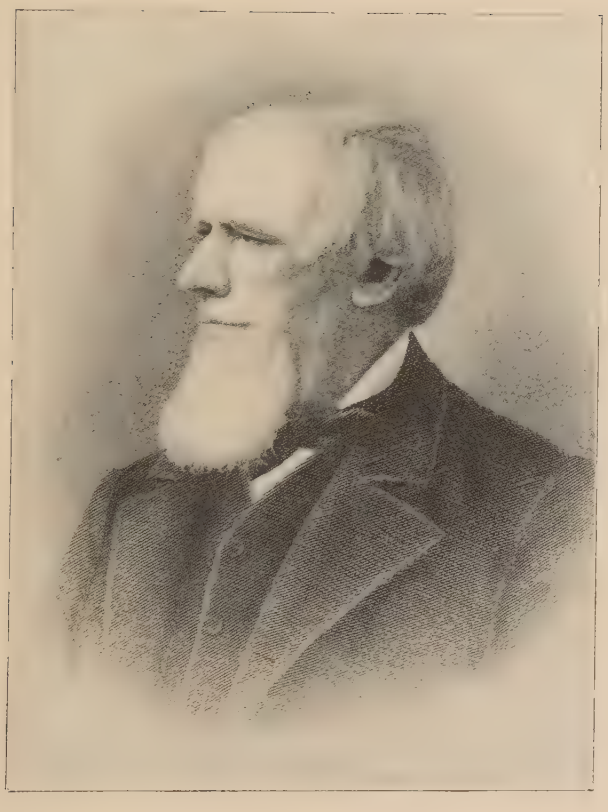
position, and his opinions are

available candidate.

Governor Cox declined to be a candidate for reelection. He saw that he was not in harmony with

alienated a powerful element in his party. It was necessary, therefore, that a new candidate should be found. Upon his retirement from the Governorship

he resigned in December, 1870. He returned to Cin-



president of the Wabash Railroad in October, 1873, and removed to Toledo to take charge of it. In 1876 he was elected to Congress from the Toledo district serving from October 15, 1877, to March 3, 1879. He afterwards became president of the Cincinnati University and dean of the Cincinnati Law School. He contributed much to the literature of the Civil War, and ranks high as a military scholar and author. He died at Magnolia, Massachusetts, August 4, 1900.

When the State Convention met at Columbus on June 19th, there were three candidates for Governor most talked of; these were Samuel Galloway, Adjutant General Benjamin R. Cowen, and General Rutherford B. Hayes, then representing the Second district in Congress. Galloway had served in Congress, was one of the most influential members of the Union party and was popular because of his abilities as an orator. The general opinion, however, seemed to favor a military man for Governor, and in the Convention General Hayes was nominated, receiving two hundred and eighty-six votes to Galloway's two hundred and eight. The platform was aggressively favorable to negro suffrage "on the broad platform of impartial manhood suffrage as embodied in the proposed amendments to the State Constitution."

Concerning the Convention which nominated General Hayes, an important historical fact should be noted. It was called and assembled as the Republican Union Convention, using the word "Republican" for the first time since 1860. This was due to the fact that in the course of events the object of the Union party was accomplished, that is, the uniting of all parties

favorable to the war for its preservation, and it was the desire of many of the old Republican leaders to get back to the original name.

General Hayes, having resigned his seat in Congress, entered with vigor into the campaign. For two months the contest was waged with an enthusiasm recalling the Brough-Vallandigham campaign. Judge Thurman assaulted the weakest point in the Union platform—negro suffrage. It was apparent that the proposition was unpopular. If he had stopped at this, and not undertaken to justify the Peace Democracy during the war and had not criticised Lincoln's Administration, he would have been elected. As it was, General Hayes was elected by the small majority of 2,983, notwithstanding that the total vote for Governor was increased over that of 1865 nearly 67,000—from 417,720 to 484,603. As it was, Thurman carried the Legislature; both branches were Democratic—the Senate by eighteen to seventeen, and the House by fifty-six to forty-nine, or eight majority on joint ballot.

The proposed amendment to strike the word "white" from the Constitution was defeated. Only thirty-two of the eighty-eight counties were carried for the proposition, and but three Congressional districts gave it a majority. The total vote was as follows: Yes, 216,987; No, 255,340—a majority against it of the votes cast, 38,353. Considering, however, that the total vote cast at the election was 484,603, and that 11,700 ballots were cast with no expression on the proposition and that under the Constitution to be amended these were regarded as negative votes, it will be seen that the actual majority against the amend-

ment was 50,253. A comparison of the Democratic vote with the total negative vote actually cast on the question shows that only 14,718 Republicans voted against the amendment. One of the chief factors entering into its defeat was that it also provided for disfranchising a number of white citizens. This applied to those who bore arms against the Government, or fled to avoid the draft, or deserted from the army. It was believed by many that the amendment would, if adopted, disfranchise more whites than it would grant suffrage to colored citizens. And yet it received nearly forty-five per cent of all the votes cast in this State.

General Hayes was inaugurated January 13, 1868; the General Assembly had convened on January 6th. On the first day of the session a joint resolution to rescind Ohio's ratification of the Fourteenth Amendment was introduced. Governor Hayes devoted a portion of his inaugural address to a consideration of this situation. Of this he said: "Without now raising the grave question as to the right of a State to withdraw its assent, which has been constitutionally given to a proposed amendment of the Federal Constitution, I respectfully suggest that the attempt which is now making to withdraw the assent of Ohio to the Fourteenth Amendment to the Federal Constitution be postponed until the people shall again have an opportunity to give expression to their will. In my judgment, Ohio will never consent that the whites of the South, a large majority of whom were lately in rebellion, shall exercise in the government of the Nation as much political power, man for man, as the same num-

ber of white citizens of Ohio and be allowed in addition thereto thirty members of Congress and of the electoral college, for colored people deprived of every political privilege."

The rescinding resolution was adopted by a strict party vote in both branches of the Legislature, and was signed January 15, 1868. The Democrats justified their action on two grounds: First, they cited the rescinding, in 1864, of the resolution ratifying an amendment preventing Congress from interfering with slavery, which had been adopted by the General Assembly May 13, 1861; Second, they claimed that the people of Ohio had rejected negro suffrage at the polls. They therefore requested Governor Hayes to forward their joint resolution evidencing their action on this subject to the Secretary of State at Washington, and requested the return of the resolution of ratification formerly passed. Secretary Seward declined to withdraw any papers from the files of the Department of State, alleging lack of authority. Congress evidently disregarded the rescinding resolutions, for on July 21, 1868, it adopted a concurrent resolution and transmitted it to the Department of State, declaring that three-fourths and more of the states had ratified the amendment, and, in reciting a list of those, Ohio was included.

The election of a United States Senator to succeed Benjamin F. Wade was one of the duties of this Legislature, and by adherence to the tripartite agreement between Thurman, Pendleton, and Vallandigham the honor belonged to the last named. But as the session approached it was evident that the leaders of the party

preferred Judge Thurman. To his strong canvass for the Governorship and his sledge hammer blows against negro suffrage his friends claimed was due a Democratic Legislature. The objections urged against Vallandigham were his radical Democracy, his alleged rashness, and his conspicuous opposition to the war. When the caucus assembled, Judge Thurman was the choice by a large majority, and on January 15, 1870, the two houses met jointly and duly elected Allen G. Thurman United States Senator. Vallandigham was deeply disappointed and mortified at the result. It was the only defeat, and he had many, that ever grieved and depressed him. In his "Life," by his brother, it is said: "He did not waste his breath or degrade his character by unmanly repining, but when he returned from Columbus upon this occasion he appeared for days as if a dark shadow had fallen upon his soul."

The last of the war amendments—the Fifteenth—to the Constitution of the United States was proposed to the legislatures of the several states by the Fortieth Congress, February 27, 1869. This amendment denied to Congress or any State the power to disfranchise a citizen on account of race, color, or previous condition of servitude. It was rejected by the General Assembly of Ohio, May 4, 1869. When the next Legislature, which was Republican, assembled on January 3, 1870, Governor Hayes sent a special message recommending the ratification of the amendment. He said: "The great body of that part of the people of Ohio who sustain the laws for the reconstruction of the states lately in rebellion believe that the amendment is just and wise. Many other citizens who would not support

the amendment if it was presented as the inauguration of a new policy, in view of the fact that impartial suffrage is already established in the states most largely interested in the question, now regard the amendment as the best mode of getting rid of a controversy which ought no longer to remain unsettled. Believing in the measure, and that the people of Ohio approve it, I earnestly recommend its ratification." The Legislature, on January 27, 1870, ratified the amendment by the closest vote given by any State, there being but a majority of one vote in the Senate, and of two in the House. Thus after years of bitter struggling, the colored man was given all the rights of citizenship. The word "white," however, still remains in the Ohio Constitution as a dead relic of other days. An amendment to eliminate it from Article V, Section I, is now (1912) pending before the people of the State.

At the Republican State Convention, June 23, 1869, Governor Hayes was renominated. The Democrats, on July 7th, selected as their candidate General William S. Rosecrans. In a letter to the Democratic State Central Committee he declined the nomination and emphatically dissented from some of the provisions of the platform. On August 11th the Committee unanimously designated George H. Pendleton as their candidate for Governor. General Rosecrans' letter was made public August 23d; in it he declared with soldierly bluntness for equal rights without regard to class, creed, race, color, or national origin. He was in favor of a prompt return to specie payments, and in short his political views were directly opposed to the Democratic platform. The campaign was uneventful

and Governor Hayes was elected by a majority of 6,822. He was again inaugurated Governor January 10, 1870.

When his two terms were ended he could point to a practical and useful administration of State affairs, and the carrying out of many measures of the first importance to the welfare of the people. Few Governors have left behind a record for more faithful service. Under his Administration, and through his influence, the Geological Survey was revived; the establishment of a Soldiers' Home was secured; the powers of the State Board of Charities were enlarged; provision was made for the care of the chronic insane; the graded system was introduced into the Penitentiary and other prison reforms instituted; minority representation on election boards was inaugurated; the Agricultural and Mechanical College (now the Ohio State University) was founded, trustees appointed and the institution organized; the Fifteenth Amendment was ratified; the right of soldiers in the National Home to vote was restored; the St. Clair Papers, a valuable historical collection, were purchased; a Reform School for Girls was organized; and the State debt was reduced.

In 1871, the Democratic party of Ohio formally accepted the results of the war by declaring in its platform that "we recognize as accomplished facts the three amendments in fact to the Constitution, recently adopted, and regard the same as no longer political issues before the country." As this was a practical acquiescence in and approval of emancipation, negro suffrage, and reconstruction, we cannot fail

to see in this revolution of ideas not only a wise but a courageous declaration. It was apparent that in every campaign since the war the Democratic party had labored under the disadvantage of its war record. It had, through the unwisdom of its leaders, taken a position as a party against the Government in the period of a great national crisis; and this, too, in face of the facts that tens of thousands of its members were fighting for the Union in the field, and other tens of thousands at home were supporting the Union party at the polls. Add to this fact that many of its leading men were commanding regiments and brigades and winning honor on the battlefield, the embarrassment of defending its official party record becomes apparent. The man who originated this political revolution, and who gave command to his party in Ohio to "about face," who urged it to turn its back upon the past and frame a new future, was, *mirabile dictu*, Clement L. Vallandigham. To him alone must be credited the foresight and courage of the "New Departure" of the Democracy.

It was not a sudden movement of Vallandigham. He had thought about it for a full year and only waited for a time for announcement. This came on May 18, 1871, when his party met in county convention at Dayton to select delegates to the State Convention which was to assemble June 1st at Columbus. Through the committee on resolutions, of which Vallandigham was chairman, he announced his new doctrine, which was to be a "settlement in fact of all the issues of the war and acquiescence in the same as no longer issues before the country." Thus the man who more

EDWARD FOLLENSBEE NOYES

Born in Haverhill, Massachusetts, October 3, 1832; was graduated from Dartmouth College in 1857 and admitted to the bar in Cincinnati in 1858; served with distinction in the Civil War, receiving the brevet of Brigadier General; was afterward City Solicitor of Cincinnati, Probate Judge of Hamilton county, Governor (1872-74), Minister to France under President Hayes, and in 1889 was elected Judge of the Superior Court of Cincinnati; died September 4, 1890.

of the facts that tens of thousands of its members were fighting for the Union in the field, and other tens of thousands at home were supporting the Union party at the polls. Add to this fact that many of its leading men were commanding regiments and brigades and of defending its official party record becomes apparent.

Vallandigham. To him alone must be credited the Democracy.

It was not a sudden movement of Vallandigham at Dayton to select delegates to the State Convention digham was chairman, he announced his new doctrine which was to be a "settlement in fact of all the issues of the war and acquiescence in the same as no longer issues before the country." Thus the man who more

than any other was responsible for his party getting on the wrong side in a great struggle, now stood forth to make all amends possible. The new movement was cordially approved by the leading Democratic papers in Ohio and was also denounced by many leading Democrats as a surrender of principles. But it was a progressive stand that Vallandigham saw his party had to take before it could accomplish anything in Ohio. When the State Convention assembled it adopted completely the ideas of the "New Departure," and on a platform embodying them George W. McCook of Jefferson county was nominated for Governor.

When Vallandigham left Columbus for his home he was full of pleasure at what he had accomplished. He had now determined to devote himself wholly to the law, yet his political prospects in his party were never brighter; his future seemed to point to eminence in his profession and usefulness to his family. Soon after this he was engaged in the celebrated murder trial in which he met his tragic death. He was one of the counsel for the defense of a noted character, Tom McGehan, who was indicted for killing Tom Myers, a man of like reputation. The case attracted widespread attention on account of its sensational surroundings and through the eminent counsel engaged on both sides. The deed was committed in Dayton, but by a change of venue the trial was to be held at Lebanon, the county seat of Warren county. Both sides had prepared for a stubborn contest; George R. Sage (afterward Judge of the United States District Court), John F. Follett, S. Z. Guard (prosecuting attorney of Butler county), Kelley O'Neill (prosecuting attorney of Warren county),

M. N. Maginnis, S. C. Symmes, and P. H. Kumler appeared for the State; and Clement L. Vallandigham, Thomas Millikin, A. F. Hume, Andrew G. McBurney, J. A. Gilmore, J. S. Wilson, and James E. Neal represented the defendant. On Thursday, June 15th, the evidence was closed. The line of defense was that Myers had shot himself while attempting the life of McGehan. Vallandigham on the next night was discussing the evidence with his associate counsel in his room, and he undertook to demonstrate how this could be done. Two revolvers lay upon his table, one empty and the other loaded. By mistake he took the latter for his demonstration and shot himself fatally, the bullet entering his abdomen. He died before morning. Thus ended the eventful career of a man of strong convictions and great courage. It was such that it won the most enthusiastic admiration of some and the bitterest denunciation of others. At his death much of the asperities of the war had passed away, and the people of Ohio received the news of the final tragedy of his stormy life with genuine regret.

The Republican State Convention assembled at Columbus June 21st, and was presided over by former Governor Dennison. General Edward F. Noyes was nominated by acclamation for Governor. The platform adopted declared for a protective tariff, advocated civil service, denounced the subsidies of public lands to corporations and monopolies, indorsed a national administration, and favored the calling of a convention to amend and revise the Constitution of the State. The declarations all dwelt upon present questions and there was a remarkable absence of reference to the

Civil War. The campaign which followed was dull and without special enthusiasm. The Democrats displayed little interest, possibly due to the ill-timed death of Vallandigham, whose dash, vigor, and leadership they sorely missed. The Republicans, with victory certain, conducted a quiet campaign, lacking much of the aggressiveness of former years. General Noyes's plurality over his opponent was 20,168. The General Assembly was close. The Senate was equally divided politically—eighteen Republicans and eighteen Democrats. In the House there were fifty-seven Republicans and forty-eight Democrats.

This campaign may properly be said to have been the last in which the politics of the Civil War figured in any way. In this, as stated, there was but the slightest reference to that subject. New questions of finance, tariff, capital and labor, and municipal government were beginning to crowd to the front, and the statesmen of both parties were devoting their talents and energies to their solution.

Chapter XII.

THE THIRD CONSTITUTIONAL CONVENTION
POLITICAL HISTORY FOR TEN YEARS

THE Constitution of 1851 (Article XVI, Section 3) made it mandatory on the General Assembly to submit the question: "Shall there be a Convention to revise, alter, or amend the Constitution?" at the general election to be held in 1871. Therefore, on March 30 of this year, an act was passed providing for the submission of the question to the electors of the State at the general election to be held on October 10 following.

There was no decided public opinion favorable to a new Constitution, and were it not that the submission was required by the organic law it is likely that the question would never have been submitted. But the mere submission aroused the activities of the special interests that were interested in a new Constitution. The most potential of these factors were those favorable to the licensing of the sale of intoxicating liquors, which had been prohibited by a small majority at the time of the adoption of the Constitution in 1851. The advocates of license were desirous of another vote on the proposition, and it came with this submission. There was no probability of securing another vote on the license question through the Legislature. Hence all the influence and organization of this element were exercised toward securing another Convention. Another and no less powerful element was the lawyers of the State; always conservative and an influential body in the community, indeed, much more so in those days than now, they directed their united efforts in favor of a Constitutional Convention. There was a general complaint against the judicial system as constructed and operated under the existing Constitution. "The

law's delay" was apparent in the congested condition of the docket of the Supreme Court, which was at this time four years behind in its work. This made litigation such a luxury that the poor and timid litigant was practically debarred from the court. Another factor was the element that desired to secure a larger control over corporations. The great development of these institutions gave rise to new and important questions, and there was a sentiment, not well defined, however, that the General Assembly should be given more specific power on that subject. Yet it is true that when an amendment was proposed in 1857 to give the General Assembly power to enact special laws regarding corporations, and providing for an enlarged control over them, the people voted it down decisively, it receiving only a little over one-third of the votes cast at that election. Indeed, the people seemed to be well satisfied with their Constitution, for the record is that they voted down every amendment, seven in number, offered to them up to the proposal for the Convention in 1871.

Both the Democratic and Republican parties inserted in their platforms of 1871 a plank recommending a Convention, which no doubt had great general influence toward securing that object.

The effect of these favorable and active forces was that the election showed the following result:

Total vote cast at the election	459,990
For a Convention	267,618
Against a Convention	104,231

The election of delegates, under an act of the General Assembly passed January 4, 1873, was held on April 6, 1873.

The third Constitutional Convention met as provided by law May 13, 1873, in the Hall of the House of Representatives at Columbus. Numbering one hundred and five delegates, there were among these men of marked ability, who in the Convention and afterward contributed by their brilliancy and usefulness to the reputation of their State. It was particularly noticed that the Convention contained some of the ablest lawyers of the country. The first president was Morrison R. Waite, of Toledo. At this time his reputation as a constitutional lawyer was national. He was one of the counsel appointed in 1871 by President Grant to represent the United States in the arbitration at Geneva, where the claims of the Government against Great Britain for depredations committed by the "Alabama" were submitted. Before this tribunal he exhibited large capacity, great ability and a wide knowledge of international law. As one of the leading lawyers of Ohio, it was natural that he should be selected as the presiding officer of the Convention. During the session President Grant nominated him for Chief Justice of the Supreme Court of the United States, and Rufus King, of Cincinnati, also an eminent lawyer, was selected as his successor. He was preëminently proud of the practice of his profession, and the offer of an appointment by Governor Brough to a seat on the Supreme Bench of the State did not tempt him. As a lawyer of superior ability and liberal learning he added dignity to the Convention. Associated with Rufus King

representing Cincinnati, were Judge George Hoadly, Samuel F. Hunt and John W. Herron, all distinguished members of the bar. With them as a delegate was also the merchant, Richard M. Bishop, who like Judge Hoadly was afterward elected Governor. Judge William H. West, former Attorney-General and Judge of the Supreme Court, represented Logan county, and General Thomas Ewing, Jr., came from Lancaster; both became unsuccessful candidates of their respective parties for Governor. Among the other lawyers who enjoyed an established reputation for ability, were James W. Bannon, of Portsmouth; Barnabas Burns, of Mansfield; Lewis D. Campbell, of Hamilton; Milton L. Clark, of Chillicothe; M. A. Foran, of Cleveland; Mills Gardner, of Washington, C. H.; Henry S. Neal, of Ironton; F. B. Pond, of McConnelsville; Thomas W. Powell, of Delaware; W. E. Scofield, of Marion; C. H. Scribner, of Toledo; John A. Smith, of Hillsboro; Cooper K. Watson, of Norwalk and Chilton A. White, of Georgetown.

Of its membership fifty-nine per cent were lawyers, and it was often referred to as "the lawyers' Convention." This did much to bring about the defeat of its work. The professional tendency to argue every proposition palled on the people, and they became weary of its constant and uninterrupted debates. The work of the Convention was talked to death before it was submitted. Nevertheless, these discussions of the fundamental principles of State Government are of great interest to the student who cares to delve into the forty-eight hundred pages of the debates of the Convention. A patient examiner ("The Constitution of Ohio," by

I. F. Patterson. Cleveland. 1912) has stated that "more than a thousand speeches were made on the subjects of the judicial department and judicial apportionment," and that "no less than three hundred and thirty speeches were made on the subject of the legislative department, and more than one hundred on each of the following subjects: apportionment and representation, county and township organization, municipal corporations, temperance, corporations other than municipal, and public debts and works. Twenty-five speeches sufficed for education, twenty for woman suffrage, and twenty-seven for revenue and taxation."

When the new Constitution was submitted to the voters they soon discovered that the length of the document corresponded to the voluminous discussion which developed it. It was twice as long as the Constitution of 1851. The result of all this was that an impatient and hurrying public never read it. Its really meritorious provisions received as little consideration as those less worthy. Many of its provisions would be considered to-day as distinctly progressive, and they were far in advance of the public opinion of that time. The final result of the submission of the new Constitution clearly illustrates that a worthy piece of work may be condemned unjustly on account of the methods adopted in its preparation.

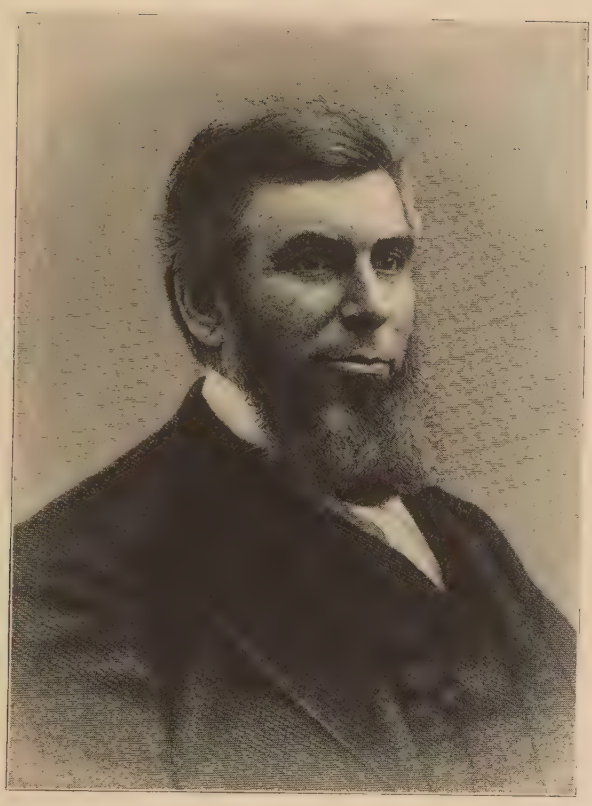
The proposed changes in the organic instrument were as follows: State elections were to be held biennially; senators and representatives to reside in their districts during their term of office, and such officers were not to be interested in any contract or claim against the State, and if so, not to be eligible to a seat in the General

Assembly; joint resolutions were to receive the votes of a majority elected to each house; veto power was granted to the Governor; each member of the General Assembly was given a right to vote on any separate item of an appropriation bill; claims not authorized by law could be appropriated only by separate bill; the Chief Justice of the Supreme Court was made the presiding officer at the impeachment trial of the Governor; ratable reductions from salaries of members of the Legislature were to be made for unnecessary absence; in case of the removal of both the Governor and Lieutenant Governor by death or other cause, the General Assembly was to fill the vacancy; the Lieutenant Governor's vote, in case of a tie, was to be limited; the term of office of the Supreme Judges was to be extended to ten years, and they were to be elected by a restricted plan of minority suffrage under which no elector could vote for more than three of the five judges to be chosen; the word "white" was to be omitted from the new instrument; women possessing the qualifications of electors as to age, citizenship, and residence, were made eligible to any office under the school laws, except that of State Commissioner of common schools; an asylum for the incurable insane, an intermediate penitentiary, and a reform school for boys, were added to the list of permanent institutions of the State; a Superintendent of Public Works was to take the place of the Board of Public Works; county officers were to be placed on fixed salaries and fees abolished; municipal corporations were to be divided into six classes; the consolidation of parallel competing lines of railroads was prohibited; the "watering" of

MORRISON REMICK WAITE

Born in Lyme, Connecticut, November 29, 1816; graduated from Yale, 1837; admitted to the bar in Maumee City, Ohio, in 1839, and began practice there; member of the Ohio Legislature, 1849; counsel for the United States before the tribunal of arbitration at Geneva, Switzerland, 1871-72; member and president of the Ohio Constitutional Convention, January, 1874; resigned that position to become Chief Justice of the United States Supreme Court, continuing as such until his death in Washington, March 23, 1888.

absence; in case of the removal of both the Governor
judges to be chosen; the word "white" was
the qualifications of electors as to age, citi
and residence, were made eligible to any office
lines of railroads was prohibited; the "watering"



corporation stock was made illegal; railroads were limited to the same rate for the "long and short" haul; taxation was to be upon all property at uniform rates; taxation of dogs was authorized; each county was to have at least one representative in the General Assembly; provision was made for legislation for the protection of miners; a commission to revise and codify the statutes of the State was authorized; and a system of cumulative voting was applied to Hamilton and Cuyahoga counties.

In addition to the Constitution there were submitted separately three propositions relating respectively to minority representation, the voting of aid to railroads and the licensing of the sale of intoxicating liquors.

Notwithstanding that most of the newspapers of the State favored the adoption of the new Constitution, and devoted much space in their editorial columns in urging the voters to adopt it, the public declined to accept their arguments. The members of the Convention also made an active canvass in its behalf. General Thomas Ewing, Jr., was its most effective spokesman, and he summarized the reasons for adopting the proposed Constitution as follows:

"It provided for the reorganization of the judiciary, a reform imperatively demanded by the crowded condition of the courts. This would necessitate a permanent increase in salaries of from $50,000 to $60,000 a year, and a temporary increase of from $20,000 to $25,000 a year. This increase was to be more than offset by the prompt and efficient administration of the law.

"It abolished the free pass system. It gave members of the General Assembly the right to demand a separate vote on every item of an appropriation bill. It gave the Governor the veto power. It provided for biennial general elections. It substituted fixed salaries for the fee system in county offices. This, it was claimed, would save annually from $150,000 to $200,000.

"It placed salutary restrictions on corporations, whose rapidly growing power demanded additional regulation by the State. It authorized the legislature to pass laws to prevent the watering of corporation stock."

On the other hand, Lewis D. Campbell, the vice-president of the Convention, strenuously opposed its work for the following reasons:

"It violates the great principle of equal rights and exact justice by applying the system of cumulative voting for two counties of the State—a system by which three votes of a minority have a political power equal to four of a majority, degrading a portion of the people.

"It is anti-republican in this, that by extending the term of service of some officers to ten years, and dispensing with annual State elections, it removes farther from the people their power to dismiss unfaithful and unworthy servants.

"It unnecessarily increases the salaries of offices that can be enjoyed only by a very small and non-productive class of the people. It increases the number of judges, complicates the judicial system that ought to be simplified, and renders judicial proceedings more tardy and expensive. It prohibits the courts of Common Pleas from exercising jurisdiction in habeas cor-

pus. It secures benefits to the legal profession alone, at the expense of the tax-payer and to the disadvantage of all other classes of people.

"It will increase the expenses of the State Government not less than $2,500,000 in the first ten years. It confers on the Governor the veto power, by which he may defeat legislation, without which the State has prospered more than seventy years, and which has not been desired by the people. In no event will it satisfactorily settle the important question of the liquor trade, but will leave it open for vexatious and unprofitable controversies among the people hereafter.

"It may give authority to consume the private property of men, women and children, by taxation, without their consent, to aid railroad companies and promote private speculation.

"It contains no beneficial provisions which may not at any time be secured by an act of the legislature. As a whole the old Constitution is much better than the new one."

The opposition among the voters took various forms. Those who were opposed the license clause voted against the Constitution in order to be sure of the defeat of that proposition; for if the main instrument was rejected, the clause would be a failure even if carried. The county officers of the State opposed it in a body because it abolished the fee system. The corporations gave it a united opposition. Those interested in the manufacture and sale of intoxicating liquors objected to it on account of the restrictions on the traffic authorized in the license clause. All of these reasons, together with a general feeling that there was no necessity for

a new Constitution, operated to bring about its defeat. The election was held August 18, 1874, at which the total vote cast was 350,054 as follows:

For the Constitution	102,885
Against the Constitution	250,169
Majority against	147,284

The votes on the separate proposition were as follows:

For minority representation	73,615
Against minority representation	259,415
Majority against	185,800
For railroad aid	45,416
Against railroad aid	296,658
Majority against	251,242
For licensing the liquor traffic	172,252
Against licensing liquor traffic	179,538
Majority against	7,286

Thus all the work of the third Constitutional Convention went for naught, although in a life of two hundred and fifty-three days, of which one hundred and eighty-eight were spent in work, it cost the State $236,088.49, including $30,547.82 expended in publishing the amendments. (See Auditor of State Reports, 1873-76.)

The Administration of Governor Noyes, which commenced with his inauguration January 8, 1872, was not remarkable for any unusual development in State affairs. It was noted, however, for its economy and

general fidelity to the public service. There was more attention given by the people of Ohio to politics, both State and National, during this period than to the more serious questions of domestic government. The feeling against renominating General Grant for the Presidency found lodgment in many Republicans of Ohio, New York and Missouri. This sentiment crystallized into a National Convention, or rather mass meeting, at Cincinnati, May 1, 1872. Stanley Matthews, of Cincinnati, was chosen temporary chairman of the convention, which contained some of the most prominent Republicans in the United States. They adopted the name "Liberal Republicans," and nominated Horace Greeley, of New York, for President. Chief Justice Salmon P. Chase of Ohio was also a candidate before the Convention. Mr. Greeley was adopted as a candidate by the Democracy at Baltimore, July 9th, but General Grant at the election carried every State in the Union but six. Notwithstanding this result, there was a great deal of distrust and opposition to the Republican party, largely due to approaching "hard times," that daily were becoming more manifest and finally culminated in the disastrous panic of 1873.

In the political reaction always resulting from depressed financial conditions, the Republican party paid the penalty. In addition it had to bear the blame, and justly, for the corruption of the Grant Administration, the Credit Mobilier scandal that developed in Congress, and the "Salary Grab," by which the members of Congress increased their own compensation fifty per cent and made it retroactive so as to apply to those who passed it. The necessity for reform was apparent, and when

the Democrats raised that cry the people responded. The first expression of popular opinion came from Ohio.

Governor Noyes was renominated by acclamation at the State Convention held in Columbus May 21, 1873. He had made an efficient Executive and was greatly admired by his party for his military services and his gift of oratory. He represented in the very highest degree his party strength, aspirations and accomplishments. The Democratic State Convention met also in Columbus, August 6th. William Allen, of Chillicothe, was nominated for Governor. The nominee was an old and distinguished Democrat, who had lived in retirement at his pastoral home, "Fruit Hill," since he left the United States Senate, March 4, 1849. He was born of poor parentage at Edenton, North Carolina, in 1807, and was left an orphan in his infancy. Part of his boyhood life was spent at Lynchburg, Virginia, working as a saddler's apprentice. At sixteen, tying his wordly goods in a handkerchief, he walked from Lynchburg to Chillicothe to enter the home of his sister, Mrs. Pleasant Thurman, mother of Allen G. Thurman, who was then a small boy. Mrs. Thurman educated young William Allen. He read law, afterward entered Congress and was eventually elected to the United States Senate over Thomas Ewing. Senator Allen served two terms in the Senate, from March 3, 1837. Upon his retirement he devoted himself to his farm, his books and his neighbors.

It was from this bucolic obscurity that his party called him in 1873. His appearance on the stump was as one coming back from the Golden Age of the Senate. Of commanding figure, with a powerful and sonorous

voice and a fervid oratory, he deeply impressed his own party and commanded the attention of his opponents. As a political figure that had served in the Senate with Webster, Clay, Calhoun and Benton and as one whose record, if not brilliant, was dignified and clean, it was natural that he should be favorably viewed by the generation that heard him. All that his opponents could say against him was to call him derisively "Foghorn Allen" on account of his powerful voice. Although approaching three score and ten, he made a vigorous campaign, having but one subject for his oratory, the necessity of economy in public affairs and honesty in public life. The panic, the Credit Mobilier and the "Salary Grab" did the rest. Withal, at the election, his plurality over Governor Noyes was but 817 votes, the closest result by which any Governor has been elected in Ohio before or since.

The retiring Governor, Edward F. Noyes, was born at Haverhill, Massachusetts, October 3, 1832. He was graduated from Dartmouth College in 1857, and removed to Cincinnati. When the war commenced he enlisted with the Thirty-ninth Ohio Volunteer Infantry, and afterward became its colonel. On July 4, 1864, while leading an assault at Ruff's Mills, Georgia, he was severely wounded and suffered an amputation of his left leg. In 1877 President Hayes appointed him Minister to France, a position which he filled with credit to himself and his country. He died at Cincinnati, September 4, 1890.

William Allen was the first Democratic Governor in twenty years, or since William Medill was elected in 1853. The balance of the Republican State ticket

was elected, but the Democrats carried the Legislature, which reëlected Judge Allen G. Thurman, nephew of the Governor, to the United States Senate, to serve during the term commencing March 4, 1875. The Republicans, as an expression of confidence, cast their votes for Senator for Governor Noyes. The inauguration on January 12, 1874, was attended by a large concourse of people and a gorgeous and extensive military parade; the day's proceedings were closed with a brilliant ball at the City Hall. The Governor's inaugural address was devoted to a single topic—the necessity for reducing taxes and enforcing the most rigid economy in all matters of State expenditure. Thus, after an exile of a score of years, the Democracy assumed control in Ohio.

The remarkable agitation known as the "Women's Temperance Crusade," which originated in the village of Hillsboro, Highland county, and spread with celerity and strength all over Ohio, was a feature that this year exerted great influence both politically and socially. The purpose was to secure the cessation of the liquor traffic by a personal solicitation to those engaged in that business. James H. Thompson, the historian of Hillsboro, thus describes it: "Husbands saw their wives, sons and daughters, their mothers, and neighbors, their friends, moving along with a strange apparition and knew not what it meant until before some liquor saloon, or hotel, or drugstore, you would hear the singing of some familiar hymn warbled through the air in tones of the most touching note, and then solemn silence prevailing up and down street, the utterance of a soul-stirring prayer made by some sister,

WILLIAM ALLEN

From a painting by William T. Matthews in the Capitol in Columbus.

Born in Edenton, North Carolina, 1807; removed in early life to Chillicothe, Ohio; admitted to the bar; member of Congress, 1833-35; United States Senator, 1837-49; died at "Fruit Hill," near Chillicothe, Ohio, July 11, 1879.

with all others kneeling around on curbstone, or pavement, or doorstill, could be heard ascending to the Throne of God to avert the curse of intemperance. No crowd of shouting boys followed. No cliques of consulting men on the street corners were agathered. Every countryman halted his team in awe, no vociferous, angry words were heard, and no officer commanded the peace — for it was deathlike peace. Throughout the day, songs and prayers were heard at all places kept for the sale of liquors, and at night consultation was resumed at the church."

That the "Women's Temperance Crusade" was effective in starting the taxation of the liquor traffic in Ohio there can be no doubt. The question of licensing the sale of intoxicating liquors was before the people at the same time, in the form of a constitutional amendment. This temperance movement was at its height, and its influence in defeating the proposition was decisive, and the defeat of license directed the attention of the people of Ohio to taxation.

Governor Allen's Administration was directed in the interest of economy and the reduction of taxation. His honesty made a favorable impression on the people of the State. Early in 1875 it was apparent that he would again lead his party in the gubernatorial contest. His reputation as a campaigner, notwithstanding his age, made him a most formidable candidate. The Republicans realized that Governor Allen, with his personal popularity and added prestige of victory, had won such a place in the estimation of the people of Ohio that only an exceptionally strong man could hope to defeat him. Complicating this situation was the

growth of the wide-spread financial heresy of "Greenbackism," which at this time was growing in popularity. The chief exponents and advocates of this doctrine in Ohio were George H. Pendleton and General Thomas Ewing. Congress, early in April, 1874, passed what was known as the "Inflation Bill" providing for an increase of the volume of the paper currency of the Government, regardless of its ability to redeem the same. The cry throughout the country was "more money! more money!" and Congress soon caught the trend. There was general depression among business men, laborers were out of work and hard times were everywhere. Naturally debtors and all others in distress sought the first remedy offered by those who dealt in political nostrums. Why should not the Government issue sufficient paper money to meet the wants of trade? Financiers like John Sherman saw that this financial doctrine would destroy the stability of the currency and that it was a departure from the true principles of finance. President Grant was at first inclined to favor the bill, but upon investigation and study he vetoed it on the ground that if enacted it would indefinitely postpone specie payment.

Contrary to the historic principles and record of the Democratic party it aligned itself in Ohio with the inflation ideas of the new school of finance. A great temptation to win at the polls by offering a distressed people a so-called remedy for their ills overcame its regard for the precedent of years and the principles of sound money. Governor Allen, Pendleton and Ewing were aggressive in advocating the new doctrine; Senator Thurman, much to the surprise of his friends,

finally joined with them. Although he acquiesced, his judgment was never loyal to his position taken at that time. In the Democratic State Convention of 1874, the party was committed to "such an increase of the circulating medium as the business interests of the country may from time to time require." In the election of this year "fiat" money gained a signal triumph; the Democrats elected their State ticket and thirteen out of the twenty-one members of Congress from Ohio.

The "Resumption Act," or, as it was entitled, "An Act to Provide for the Resumption of Specie Payments," was passed in January, 1875. The act provided that on and after January 1, 1879, the Secretary of the Treasury should redeem in coin the legal tender notes of the Government. As a matter of history, it became an accomplished fact; and on the date fixed, for the first time since December 30, 1861, specie payment was resumed, and to this day the paper money of the Government has been at par with coin.

The campaign of 1875 was fought on the sound money issue. The Democrats favored inflation of the currency by the issuance of more greenbacks, and the Republicans favored resumption and opposed the Democratic view of finance. There were many Republicans who opposed the resumption of specie payment, and others who feared that it could not be reached. The Democrats were sure that all efforts in that direction would be a dismal failure. Governor Allen was again nominated by the Democratic State Convention at Columbus on June 7th, on a platform opposing specie payment, favoring the extinction of the National banks, and the

inflation of the currency equal to the wants of trade. Squarely in opposition to all this, was the renomination for a third time of General Hayes. The campaign which followed was one of education on the money question. General Hayes courageously combated the well-established public sentiment in his discussions of this issue. But he wisely saw that it was more than a State issue; it was National and international. He had the moral firmness to disregard "what the people think," for "what they ought to think." The popular side of the question was with the Democrats, and Governor Allen confidently expected to be reëlected. The Ohio canvass was watched with intense interest by the country at large, and some of the ablest speakers of both parties from other states participated in it. General Ewing and General Stewart L. Woodford, of New York, in a dozen debates presented both sides of the issue in a masterly manner. Aiding General Hayes in his campaign also were Carl Schurz and William M. Grosvenor, of Missouri, both remarkable for their scholarly knowledge of finance and whose speeches did much to bring forth an enlightened vote from the people. Governor Allen, Senator Thurman and Mr. Pendleton were all active in appealing for support for their side of the issue. When the voters of Ohio were through with the campaign they had far more information on the question of finance than ever before. They learned what money is, what its function is, and whether it was a creation or an obligation, and they possessed a better understanding of the elementary principles of political economy.

The vote at the election was the largest polled in the history of the State up to that time, and it gave General Hayes a plurality over his opponent of 5,544 and a majority over all candidates of 2,951. The contest made the victor a National character, and at once his name became connected with the Presidential nomination to be made the following summer. The State Convention which met March 29, 1876, passed by unanimous vote a resolution instructing its delegates to the National Convention to vote for Governor Hayes for the nomination for President. This sentiment was generously responded to by other states, so that by the time the Sixth Republican National Convention met at Cincinnati on June 14th, Governor Hayes was the first choice of a great majority of the delegates for the second place, and their second choice for the first place. His dignified attitude in regard to the nomination had antagonized no other candidate, and there was a generally generous sentiment towards him on all sides. On the seventh ballot Governor Hayes was nominated as the candidate of the Republican party for President. In the Executive Chamber at Columbus on June 17th, he was formally notified of his nomination.

The election in November was so close that the count was disputed in the House of Representatives. There were twenty doubtful votes: Florida, 4; Louisiana, 8; Oregon, 1 and South Carolina, 7. To determine the result, Congress created the Electoral Commission. The bill creating this body passed the Senate by the following vote: Ayes, 47—Republicans, 21, Democrats, 26; Nays, 17—Republicans 16, Democrats, 1;

Not voting, 10—Republicans, 9, Democrat, 1. In the House only 33 Republicans voted for the bill while 68 voted against it. On the other hand, it received 159 Democratic votes to 18 against it. Senator Thurman spoke and voted for it, while Senator Sherman opposed it. Charles Foster was the only Republican from Ohio who voted for it; Garfield opposed it strenuously. Blaine in a speech in the Senate called the commission "a rickety makeshift."

On March 1, 1877, President-elect Hayes, with his family and party left Columbus for Washington. The dispute over his title was not yet settled, and he had doubts himself whether he would be seated. In his speech from a private car, occupied by him, he said to the citizens of Columbus: "I understand very well the uncertainty of public affairs at Washington. I understand very well that possibly next week I may be with you again to resume my place in the Governor's office and as your fellow-citizen. But I also understand that it is my duty to be at Washington prepared to assume another position, higher and more responsible and with more difficult duties."

The disputed Presidency to which Governor Hayes referred was at that time being considered by the Electoral Commission, composed of fifteen members—five each from the Senate and House and five justices of the Supreme Court. The members of the Commission from Ohio were Senator Thurman and Representatives Henry B. Payne and James A. Garfield. This Commission commenced its session February 1st and dissolved March 2d, after declaring Rutherford B. Hayes to be elected President of the United States.

Governor Hayes did not resign the Governorship until his title was confirmed, but it was dated on February 28th, and left in the hands of his Private Secretary, Alfred E. Lee. On March 2d he received instructions from Washington to file it, and thereupon Lieutenant Governor Thomas L. Young became Governor.

President Hayes was the first citizen of Ohio to be elected Chief Magistrate since William Henry Harrison in 1840. His single term of the Presidency is just beginning to receive its proper place in history. His courageous Administration, both on sound money and the resumption of specie payment, entitles him to a place in the highest statesmanship in the country. His pacification of the South and the termination of military control in that section was an act of patriotism that did much to unite the country and wipe out the distinction between North and South. President Hayes designated Senator John Sherman to be Secretary of the Treasury, and on March 7th Mr. Sherman resigned the Senatorship. The Legislature assembled in joint session on March 20th and elected Stanley Matthews, of Cincinnati, to fill the unexpired term.

Rutherford B. Hayes was born at Delaware, Ohio, October 4, 1822. He graduated at Kenyon College in 1842 and at the Harvard Law School in 1845. He was admitted to the bar, and was City Solicitor of Cincinnati from 1858 to 1861. He entered the Union army and became Colonel of the Twenty-Third Ohio Volunteer Infantry. In 1864, for gallant service in West Virginia, he was appointed Brigadier General. The same year he was elected to the Thirty-Ninth Congress

His subsequent career has been narrated in these pages. When his term expired as President, he retired to his home at Fremont, Ohio, and devoted his time to charitable, educational and philanthropic labors. In 1887 he was appointed a trustee of the Ohio State University, which position he held until his death, January 17, 1893.

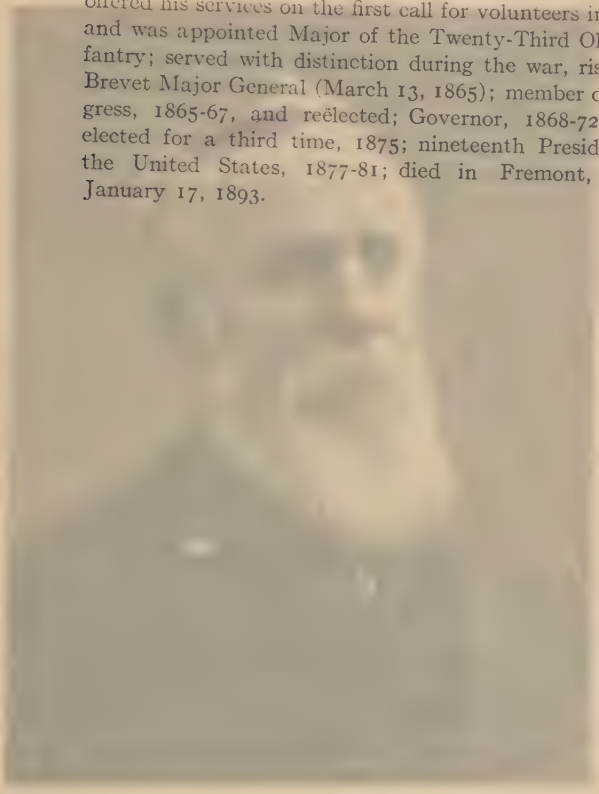
Governor Thomas L. Young, the successor of Governor Hayes, was born December 14, 1832, near Belfast, Ireland, and came to this country when quite a young man. He served in the regular army ten years, and upon the breaking out of the Rebellion he promptly offered his services to his adopted country. For gallant conduct at Resaca, he was brevetted a Brigadier General. In 1866 he was elected one of the representatives from Hamilton county and in 1872 he was chosen as Senator. In 1875 he was elected Lieutenant Governor. His administration of the remainder of Governor Hayes's term was devoid of events of public interest. He died July 20, 1888, at Cincinnati.

The Centennial of the Republic was celebrated July 4, 1876, by a National Exposition at Philadelphia; Ohio's part in that great enterprise will be given in detail in a subsequent chapter. In addition, however, to participating in the Exposition, the Centennial was celebrated all over the State by festivities and rejoicings commensurate with the day. The great cities and the small towns made the Fourth of this year the occasion of a carnival of patriotism. One feature of this Centennial year is especially deserving of mention. This was the publication by many counties, cities and towns of centennial histories that have done much to

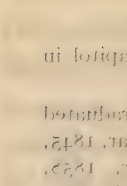
RUTHERFORD BIRCHARD HAYES

From a painting by T. C. Webber in the Capitol in Columbus.

Born in Delaware, Ohio, October 4, 1822; graduated from Kenyon College, 1842, and admitted to the bar, 1845; removed to Cincinnati; became City Solicitor, 1858; offered his services on the first call for volunteers in 1861, and was appointed Major of the Twenty-Third Ohio Infantry; served with distinction during the war, rising to Brevet Major General (March 13, 1865); member of Congress, 1865-67, and reëlected; Governor, 1868-72, and elected for a third time, 1875; nineteenth President of the United States, 1877-81; died in Fremont, Ohio, January 17, 1893.



RUTHERFORD BIRCHARD HAYES

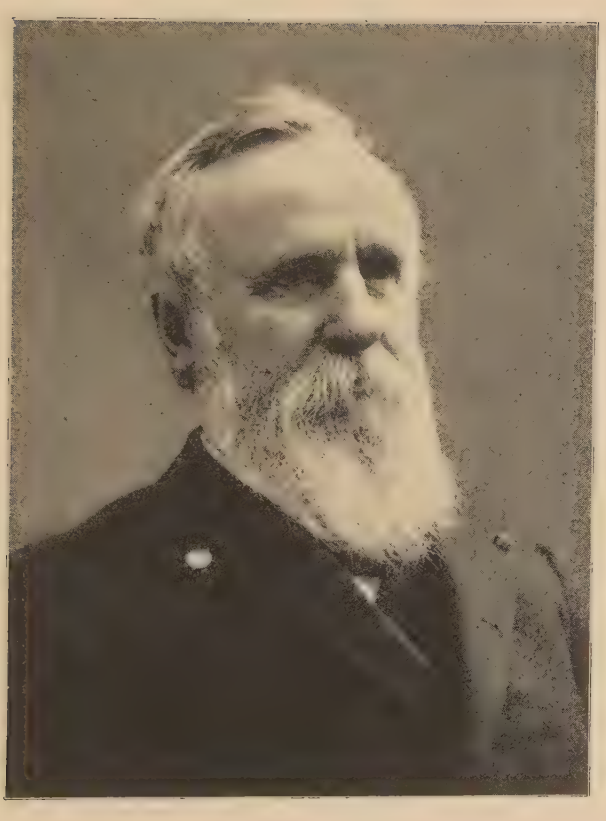


From a painting by T. C. Weber in the Capitol in Columbus.

Born in Delaware, Ohio, October 4, 1822; graduated from Kenyon College, 1842, and admitted to the bar, 1845; removed to Cincinnati; became City Solicitor, 1858; offered his services on the first call for volunteers in 1861, and was appointed Major of the Twenty-Third Ohio Infantry; served with distinction during the war, rising to Brevet Major General (March 13, 1865); member of Congress, 1865-67, and reelected; Governor, 1868-72, and elected for a third time, 1875; nineteenth President of the United States, 1877-81; died in Fremont, Ohio, January 17, 1893.

conduct at Resaca, he was brevetted a Brigadier chosen as Senator. In 1875 he was elected Lieu- lic interest. He died July 20, 1888, at Cincinnati.

participating in the Exposition, the Centennial ings commensurate with the day. The great citie occasion of a carnival of patriotism. One feature o The was the publication by many counties, cities a towns of centennial histories that have done much



preserve their local records. This collection of publications has added greatly to the historical literature of the State, and has preserved much of the record of the past that otherwise would have been lost. They form a fruitful source of information for the historians of to-day and of the future, and are the only permanent remains of the celebrations of that important year. The State also contributed to this literature. The General Assembly authorized the publication of "A History of Education in the State of Ohio," "Historical Sketches of Public Schools in Cities, Villages and Townships of the State of Ohio," and "Historical Sketches of the Higher Educational Institutions, and also of Benevolent and Reformatory Institutions of the State of Ohio." These three volumes are lasting monuments to the greatness of Ohio, and are a faithful reflection of the marvelous educational and eleemosynary work performed by the State in the first century of the Republic.

Following the joyous Centennial year came one of great public disturbance and distress, which materially affected Ohio in business and politics. This was the great railway strike on the principal trunk lines—the Pennsylvania, the Baltimore and Ohio, the Erie, the New York Central and all their western extensions. The strike commenced July 14, 1877, on the Baltimore and Ohio Railroad and spread rapidly over the country. In Ohio the railroad centers were the scenes of military preparations to prevent violence, and near-rioting was the condition for weeks. In Stark and Wayne counties strikes prevailed among the coal miners, growing out of the railroad situation. But no serious disorder, violence or lawlessness developed in the State.

In the midst of this threatening and strained condition of the public mind, the Republican State Convention met August 1st, at Cleveland. The party was broken with factional differences growing out of President Hayes's Southern policy, and was necessarily agitated by the existing conflict between capital and labor. There was much ill-feeling in the Convention and great confusion as to what to do. Judge Alphonso Taft, of Cincinnati, and Judge William H. West, of Bellefontaine, were the leading candidates for Governor. Judge Taft had been a candidate for the nomination two years before at Cincinnati against Governor Hayes. Judge West was nominated on the second ballot. The Convention had no sooner adjourned than trouble commenced for the Republicans. In the evening an immense ratification meeting was held in the Public Square. Senator Stanley Matthews and Judge West were the principal speakers, and it was evident from the boisterous interruptions of the Senator's speech that turbulent strikers were present. Judge West was an old campaigner and a great popular orator. The loss of his sight and his powerful eloquence had given him the name of the "Blind Man Eloquent." Tall, gaunt and impressive, he had swayed audiences in Ohio in every campaign since the beginning of the Republican party. But with all his experience and judgment he was about to make the political mistake of his life.

He had scarcely spoken a dozen sentences when he had the crowd, strikers and all in full sympathy with him. He said that he did not own any Government bonds, bank stock, railroad bonds or stocks, and never expected

to do so. He said that if he had the power he would try an experiment, at least. "I would prohibit the great railroad corporations, the great thoroughfares of business and trade, from so reducing their rates by ruinous competition as to disable themselves from paying a just compensation to their operators. I would go further and try the experiment—but I do not know that it would succeed—I would arrange and fix a minimum of prices for all who labor in the mines and upon the railroads, and then require that of all the net receipts and proceeds of the capital invested, [*sic*] the laborer at the end of the year should, in addition to his fixed compensation, receive a certain per cent of the profits. Then, if the profits were insufficient to compensate you as liberally as you could otherwise desire, bear with your employers a portion of the loss. But if their receipts be sufficient to make a division, we would in God's name let the laborer, who is worthy of his hire, share a portion of the profits."

This speech was received with general dissatisfaction by the Republicans, and was a decisive factor in Judge West's defeat at the election. It was regarded by the conservative class, and by manufacturers and farmers, generally as too socialistic for a Republican candidate for Governor.

The Democratic candidate for Governor was Richard M. Bishop, a successful business man of Cincinnati. His only political experience was as Mayor of that city, to which office he was elected in 1859. His record was that of a plain and honest citizen, colorless in his views, having no connection with the political controversies or contests within his party. He was

elected by the plurality of 22,520. The "third party" vote, composed mostly of working men, was unusually large this year—29,500. The entire Democratic State ticket was also elected, as well as the Legislature by a majority of forty-four Democrats on joint ballot. On January 10, 1878, George H. Pendleton was chosen United States Senator to succeed Stanley Matthews for the term commencing March 4, 1879.

In 1879 the Republicans determined to make a strong effort to wrest the State from the Democrats. For ten years, elections had been extremely close, and during that time the head of the Democratic State ticket had been elected three times—in 1873, 1874 and 1877; while in the elections of 1876 and 1878 the Republican majorities were very meager. The Democrats declined to renominate Governor Bishop, owing to dissatisfaction among the politicians of his party over the distribution of the official patronage. The candidate was General Thomas Ewing, of Lancaster, and with him Americus V. Rice was nominated for Lieutenant Governor, thus presenting the unusual example of two former Union generals on the same ticket. General Ewing was recognized as one of the ablest Democrats in the State. Coming from a family distinguished for its services to the country in peace and war, he certainly was one to command the support of his party and the respect of his opponents. The Republican candidate was Charles Foster, of Fostoria. In private life he was a well-to-do country merchant, and the Democrats called him "Calico Charlie," from his occupation as a general storekeeper. With a genial and democratic disposition he was popular with all

who knew him; and while he made no pretensions to statesmanship, he was elected three times to Congress in a Democratic district. In the Gubernatorial campaign Mr. Foster made the first application of "practical politics" to Ohio. He was a gifted master of details and introduced the system of preëlection polling of the voters, thereby estimating in advance the results of election day. He was a firm believer in "organization" and to him must be given the questionable credit of first spending large sums of money in a State campaign. He organized his forces like an army, and in every county he selected workers whom he "hired" to get out the Republican voters at the polls. To him politics was business, and he applied to it all the methods and system that made his mercantile career a success.

The money question and the fact that the year preceded the Presidential election, gave the campaign a National cast. General Ewing's candidacy served to intensify the issue. He was one of the foremost champions of the greenback idea, and had, while in Congress, introduced a bill to repeal the "Resumption Act." He secured its passage through the House, but it was defeated in the Senate. Since that time resumption had become an accomplished fact, and the country had entered upon an era of prosperity and financial solidity. As might be expected, General Ewing was unable to hold the vantage that his party had in Ohio, and Charles Foster was elected by a plurality of 17,129.

In the Presidential political field Ohio figured very conspicuously, her public men of both parties playing an active part. John Sherman was the choice of the

Republicans of Ohio, and Allen G. Thurman of the Democrats, for the nomination for the Presidency. In their respective parties they had no superiors for ability, high character and National distinction. Mr. Sherman's record in Congress and as Secretary of the Treasury had placed him on the highest plane of statesmanship. His successful accomplishment of the resumption of specie payment had stamped him as a financier to be classed with Alexander Hamilton. Judge Thurman's career in the Senate had given him a place among the great characters of his time. As an incorruptible and rugged public man, he was called "the noblest Roman of them all," and he was affectionately referred to as the "old Roman." In the Senate he was no mere partisan; his abilities as a constitutional lawyer gave him great influence among his colleagues, whether he was in the majority or minority. This was due to the confidence reposed in him growing out of the knowledge that his great reasoning powers on constitutional questions were exercised for his country rather than for his party. As chairman of the judiciary committee he was regarded as the highest authority on law. Senator Conkling, of New York, himself a great lawyer, on one occasion, in a speech in the Senate, said: "When I speak of the law I turn to the Senator from Ohio as the Mussulman turns toward Mecca. I turn to him as I do to the English common law, as the world's most copious fountain of human jurisprudence."

Both of these eminent Ohioans failed to attain the Presidency. Both were denied the great honor on account of petty spite and jealousy in their parties. In the Republican National Convention of 1880, James

A. Garfield, who was Secretary Sherman's manager, and who presented his name in a speech which was a model of eloquence, power and rhetoric, received the nomination. In the Democratic National Convention the divided counsels of the Ohio Democracy offered the names of Senator Thurman and Henry B. Payne. Thus Ohio destroyed her influence and power and the greatest Democrat of his time was defeated.

General Garfield, after a campaign of great bitterness, was elected President. Within a few weeks he became involved in a political difference over patronage with Senators Platt and Conkling, of New York. This resulted in an open rupture in the Republican party, and out of it grew the "stalwart faction." A crazy partisan, who said he was identified with this faction, influenced by the political situation, shot President Garfield, July 2, 1881. He lingered with much pain and suffering until September 19th, when he died. His tragic death deeply impressed all Christendom, and messages of sympathy came from all the powers of the earth. To Ohio, where he was so well known and so deeply loved, the loss seemed personal.

In 1881 Governor Foster was renominated. The Democratic nominee was John W. Bookwalter. It was a year in which there was no politics. While the President's life was suspended in the balance no interest was manifested in public affairs. When his death was announced, both Republican and Democratic State committees, by mutual agreement, cancelled all political meetings until after the funeral at Cleveland. But public interest could not be aroused. The same disinterestedness appeared at the polls. The

Republican vote fell off over 62,000, and the Democratic over 52,000. The Republicans elected their full State ticket and carried both branches of the Legislature. Governor Foster's plurality was 24,309.

In the two administrations of Governor Foster he brought to bear upon State affairs the same business rules and integrity that he had exercised in his private enterprises. The result was that they were models for economic management and honest dealing. He was the first Governor to urge and secure the taxation of the liquor traffic in Ohio. It was through his influence that the "Pond Law," the first enactment of that nature, was passed. This question became one of the vital issues of the time. The opposition to any legislation of this nature was bold, organized and effective, and it required no little courage for the leader of the Republican party to favor taxation. But Governor Foster took this position, and for a while he was unsuccessful in accomplishing results. As the subject of liquor taxation and regulation is one of the most interesting and important in the economic and political history of the State, its origin, progress and development will be treated in concentrated detail in a later chapter.

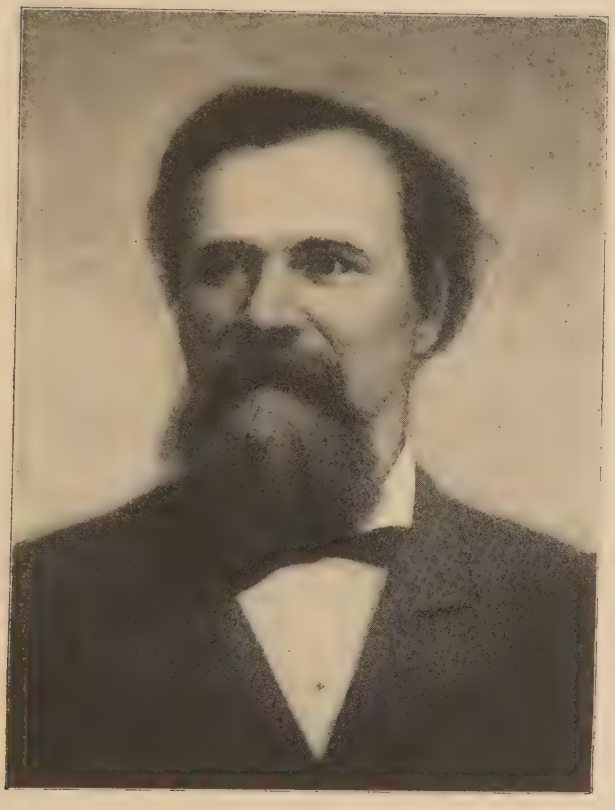
In the State election of 1883 the contending candidates for Governor were George Hoadly, Democrat, and Joseph Benson Foraker, Republican. They were both Cincinnati lawyers; both had served as Superior Court judges in that city; both were energetic and brilliant campaigners; and both on this occasion were making their initial appearances as political leaders. Judge Hoadly, to his intense chagrin, was smitten soon

CHARLES FOSTER

From a painting by E. F. Andrews in the Capitol in Columbus.

Born near Tiffin, Ohio, April 12, 1828; was successfully engaged in business many years; member of Congress, 1871-79; Governor, 1880-84; Secretary of the Treasury under President Benjamin Harrison, 1891-93; died in Springfield, Ohio, January 9, 1904.

enterprises. The result was that they were mod
ence that the "Pond Law," the first enactment of th
vital issues of the time. The opposition to any legis
Republican party to favor taxation. But Gove
Foster took this position, and for a while he was unsu
liquor taxation and regulation is one of the most inte
esting and important in the economic and politica
history of the State, its origin, progress and develo
ment will be treated in concentrated detail in a la
chapter.
dates for Governor were George Hoadly, Democra
and Joseph Benson Foraker, Republican. They w
both Cincinnati lawyers; both had served as Superi
Court judges in that city; both were energetic
brilliant campaigners; and both on this occasion
Judge Hoadly, to his intense chagrin, was smitten



after his nomination with malarial illness, which prevented him from delivering any speeches until a few days before the election. But his rival, in the enjoyment of health and activity, canvassed the State with the greatest thoroughness and ability. The sick and silent Hoadly was elected, and the well and fluent Foraker had to bide other times. The election of Judge Hoadly was due entirely to the dissatisfaction of the German Republicans of the State with the legislation relating to the taxation and regulation of the liquor traffic. The fear of "sumptuary legislation" as a supposed infringement of personal liberty operated to drive them from the Republican party. Another factor of the same nature was the endorsement by the Republican State Convention of the submission of two constitutional amendments, one for regulation and taxation of the liquor traffic, and the other for prohibition. Judge Foraker stood firmly for the taxation side of the issue, and hence his defeat.

Judge Hoadly's plurality was 12,529, and the Democratic State ticket was elected, together with a Legislature of like political persuasion. On January 15, 1884, Henry B. Payne was elected United States Senator, Senator Pendleton thus being refused a reëlection.

Governor Hoadly was born in New Haven, Connecticut, July 31, 1826, of distinguished New England ancestry. Coming in childhood with his parents to Cleveland, Ohio, he was educated for the bar, and soon after admission engaged in practice in Cincinnati as junior member of the firm of Salmon P. Chase. As a

young lawyer he was somewhat concerned in defenses of fugitive slaves—activities to which he always referred with pride in after life. At the age of twenty-five he was elected by the Legislature Judge of the Superior Court of Cincinnati, and subsequently was twice elected by the people to that bench as reorganized. In his entire career he never held any other responsible public office, with the single exception of Governor. Essentially a lawyer—and one of the soundest and most accomplished of his generation,—he seems never to have mastered the intricacies and ingenuities of the political avocation, though always greatly attracted to it. This is indeed curious, for Hoadly lacked nothing of those personal recommendations which most readily engage the interest, respect and affections of men. He was of bold and decisive opinion, tenacity and remarkable consistency in his positions on public questions; a logical, acute, and eminently appealing speaker; a tireless worker; and in his private character conscientious, loyal, and most open, amiable, and kindly. In early life an adherent of the Democratic party, he left it on the issue of the Union, supported the Republican organization until the adoption of the Fifteenth Amendment, was a leader in the Liberal Republican movement, and afterward, reviving in full animation the merely suspended love of his youth, advocated with exceeding zeal the venerable faith of the Democratic fathers to the severe exclusion of greenbackism and other newfangled interpolations. As Governor he is entitled to grateful remembrance for

his powerful plea to abolish the mischievous October elections (Message, 1885); and his Administration was altogether creditable to the State and honorable to his personal reputation for integrity, sense, and firmness.

Chapter XIII.

THE FLOOD OF 1884
THE CINCINNATI RIOTS
THE HOCKING VALLEY STRIKE
DEVELOPMENT OF GAS AND OIL

THE year 1884 is memorable for three sinister and calamitous events—the great Ohio River flood, the Cincinnati riots, and the Hocking valley strike.

The historical flood of 1832 has already been referred to in Volume III, Chapter XIV. In that year the river at Cincinnati reached a height, on February 18th, of sixty-four feet and three inches, much exceeding anything before known. There was an approximation to this record in 1847, when a height of sixty-three feet and seven inches was registered on December 17th. No recurrence of the sixty-foot stage was experienced until 1883, a limit then being attained beyond that of 1832—sixty-six feet and four inches on the 15th of February. More than fifteen hundred business houses and many homes were under water in Cincinnati, and some twenty-four hundred people of the city were thrown entirely upon charitable aid for their support. Throughout the Ohio valley the visitation of 1883 was unprecedented in the disaster and distress wrought. It was hoped that, as an excessive rise of the waters had up to that time occurred at only long intervals, many years would elapse before a similar catastrophe would be due.

But the very next year witnessed a deluge which greatly surpassed the one of 1883 and stands as the maximum in the recorded history of the Ohio River. In the month of December, 1883, the considerably high stage of forty-nine and one-half feet was marked at Cincinnati, but owing to extreme cold weather during most of January—said to have been the coldest of the century—there was no accession from melting

snow and the river fell until, on the 29th, it was below sixteen feet. From that date the rise was steady and prodigious—fifty-five feet in sixteen days. The highest stage at Cincinnati was seventy-one feet and three-fourths of an inch, February 14th. Heavy snows had fallen in the whole Ohio watershed, embracing an area of some twenty thousand square miles; and continuous rains, accompanied by milder weather, swept these great accumulations into every tributary. It was the suddenness of the delivery from all the sources of the river, together with the persistence of the wash of rain, that produced the unparalleled volume.

At Pittsburg business was entirely suspended as early as February 6. Tremendous losses were sustained by the great manufacturing plants, while the dwellings of from twenty-five thousand to thirty thousand people, mostly of the poorer classes, were inundated and many of them swept entirely away. Steubenville, one of the highest located towns on the river, had a hundred houses submerged and her industries suffered severely. The damage at Wheeling, West Virginia, and the immediate vicinity was calculated by the *Intelligencer* at six million dollars. At Bellaire two hundred and fifty buildings were carried away or damaged beyond repair, and the financial loss aggregated three hundred thousand dollars. The ancient town of Marietta was among the worst sufferers. The people, driven from their homes, were quartered in such public buildings as were not flooded, on steamboats, and in the houses of the wealthy on high ground. General A. J. Warner, Douglas Putnam, and others, threw open their doors and cared for all they could accommodate. The

Register and *Times* offices were fourteen feet under water. Marietta's losses footed up about half a million dollars. Blennerhassett's Island was overflowed, but caught many of the wrecks borne down by the stream. Pomeroy had the impressive loss, for a small city, of one hundred and twenty-five thousand dollars. Gallipolis, thanks to its elevated situation, was not affected. In the flourishing city of Ironton, the industries were completely paralyzed and the flood bill reached two hundred thousand dollars. Portsmouth, at the junction of the Scioto River, was (like Marietta at the Muskingum) exposed to two floods. Less than half an acre of the city and but one business house remained out of water, and there were only fifty-eight buildings that were not inundated. "Great barges were anchored in deep water at the corner of Second and Chillicothe streets, the second highest ground in the city, on which horses and cows were confined." The combined losses in Scioto county were not less than a million and a quarter dollars. At Point Pleasant the house in which General Grant was born was invaded by the river—the first time in its history.

There was of course great devastation in Cincinnati. On Race, Vine, Walnut, Main, and Sycamore streets the flood came above Pearl street. "The Mill Creek bottom was so covered that the largest steamboats could have passed over Eighth street and advanced up the valley to Cumminsville." The gas supply was shut off, and the militia had to be called out, remaining on duty eleven nights. The houses inundated were estimated at 4,930, and the persons driven from their homes, 21,856. A soup house on Sixth street supplied

food to 65,000 people during the thirteen days that it was in operation. Covington and the other communities on the Kentucky side were badly deluged, and great distress prevailed. This was, of course, the case in the Kentucky river towns generally, as well as in West Virginia and Indiana.

Probably the most unfortunate sufferers were those in the smaller places, having from a few hundred to two or three thousand inhabitants. Deprived of the association and substantial assistance of a numerous body of fellow-citizens, as well as of the facility of refuge in public structures not reached by the water, their lot was indeed pitiable. Mr. John L. Vance published in 1884 a detailed and graphic narrative of the flood ("The Great Flood of 1884 in the Ohio Valley"), in which no particulars are of greater interest than those for the minor localities. At Cochransville, Monroe county, Ohio, out of forty-two houses only two were left. In Powhatan, West Virginia, a village of five hundred people, not a single inhabitant escaped loss and inconvenience. Middleport, Ohio, according to the local paper, showed a record of loss to almost every citizen, ninety-nine out of every hundred homes being under water. And so the list runs. Says Mr. Vance: "If the roll could be called of all those who, on the first day of February, 1884, were worth from five hundred to twenty-five hundred dollars, and who had been made penniless by this flood, it would be a terrible disaster alone. With water, loss is loss—there is no insurance to come in and help men to start in business again."

The State of Ohio appropriated $200,000 for relief, the fund being in charge of a commission headed by

C. W. Constantine, of Springfield. There were also liberal State appropriations by Indiana and Kentucky, and the Federal Government gave a half million dollars. Generous contributions of money, as well as donations of supplies, came from many cities, not only of the afflicted states but throughout the country at large. The city of Cincinnati raised nearly a hundred thousand dollars for the aid of its own people, and a like amount came to its relief committee from outside—the latter sum being generously applied by the committee for the benefit of flood sufferers in other places. The people of Gallipolis, where, as noticed, no local damage was done, took an exceptionally active part in extending relief to the distressed up and down the river.

Hard upon this extensive calamity followed the dreadful riots in Cincinnati, March 28–30, 1884. These were the outgrowth of strictly local conditions, most uncommon and peculiar. No circumstances of political excitement, labor troubles, race antipathy, division of interest on a public question or economic situation were involved. There was no responsible or indeed discoverable organization, and history does not preserve the name of a single man, in all the thousands of frenzied participants, who can be said to have been a fomenting promoter or a recognized leader. Yet it was the most formidable popular convulsion of purely spontaneous local character in the history of Ohio, calling to arms the entire military force of the State and resulting in casualties of dead and wounded which have been conservatively estimated at three hundred, as well as the wanton destruction of the Hamilton county courthouse with its invaluable records of a century.

The provoking cause was, however, patent and prominent enough—discontent with the administration of criminal justice. For some time, in the opinion of the people, the courts of Cincinnati—and this refers equally to judges and jurors—had been dealing very inefficiently and leniently with serious offenders. "Twenty-three persons accused of murder or at least homicide," says Charles Theodore Greve, the historian of Cincinnati, "occupied the county jail at the time preceding the outbreak. Some of them had been in jail many months; some had been tried several times and their guilt was still undecided. The public had grown impatient at the continued violation of the law and the failure of the courts to deal expeditiously with persons charged with crime. The courts were regarded as lazy and inefficient, and juries as well as judges and attorneys were thought to have become indifferent to crimes of all character." A particularly exasperating affair was a so-called "burking" at Avondale, two body-snatchers being accused of murdering a whole family to secure subjects for the dissecting table. The immediate occasion of the riots was the famous Berner case. William Berner (white) and Joseph Palmer (colored) had beaten the life out of their employer, William Kirk, a stable man, for the proceeds from the sale of a horse, after planning the crime for weeks. Berner was the first to be tried, on a separate indictment ingeniously devised by his lawyer so that possible prejudice because of the race of his codefendant might not militate against him. The murder was shown to have been absolutely without provocation and most brutal in every circumstance; and indeed the facts

GEORGE HOADLY

From a painting by E. F. Andrews in the Capitol in Columbus.

Born in New Haven, Connecticut, July 31, 1826; came with his parents to Cleveland, Ohio; graduated from Western Reserve College, 1844, and admitted to the bar; elected by the Legislature Judge of the Superior Court of Cincinnati, 1851; elected City Solicitor of Cincinnati, 1855; elected by the people Judge of the Superior Court of Cincinnati, 1859 and 1864; twice declined appointment to the Ohio Supreme bench; counsel for Samuel J. Tilden before the electoral commission of 1877; Governor, 1884-86; removed to New York, 1887; died in Watkins, New York, August 27, 1902.

months; some had been tried several times and their

charged with crime. The courts were regarded as

torneys were thought to have become indifferent t

crimes of all character." A particularly exasperatin

affair was a so-called "burking" at Avondale, two bod

snatchers being accused of murdering a whole famil

to secure subjects for the dissecting table. The i

mediate occasion of the riots was the famous B

case. William Berner (white) and Joseph Pal

(colored) had beaten the life out of their employ

William Kirk, a stable man, for the proceeds from

Berner was the first to be tried, on a separate ind

prejudice because of the race of his codefendant

been absolutely without provocation and

brutal in every circumstance; and indeed the

were fully confessed. But the jury brought in a verdict, March 24th, of manslaughter. This was criticized in severe terms by the presiding judge, Samuel R. Matthews, but, having no recourse, he passed sentence agreeably to the verdict, March 28th, imposing the maximum penalty of twenty years in the penitentiary.

In the four days following the verdict there were strong expressions of resentment, especially in the press, but no proceedings of a representative or agitatory nature until the evening of Friday, March 28th, when a tremendous meeting assembled by call in Music Hall. "It was made up mostly," says Adjutant General E. B. Finley ("Report of Adjutant General," 1885), "of solid men of the city, with a large sprinkling of spectacled and gray-haired men," and was "characterized as being remarkable for its respectability." There were speeches by Dr. Kemper, Judge A. J. W. Carter, General Andrew J. Hickenlooper, and others, in which, as well as in the resolutions, nothing more decisive was advocated than reform of existing evils by legal methods. The spirit of many of the auditors was, however, manifestly violent. This was well appreciated by the gentlemen in charge, and notwithstanding demands for more speeches, adjournment was taken at the early hour of 9.30. As the multitude (said to have been eight to ten thousand) filed into the street, cries were raised, "To the jail!" "Hang Berner!" and while it is probable the majority dispersed sedately to their homes, an immense number swung into the march. The route crossed the "Over-the-Rhine" dis-

trict, at that period much more frequented than now, and when the jail on Sycamore street was reached the throng had been greatly augmented.

There had been no expectation of serious trouble, and the sheriff at the jail was quite unprepared for resistance. Both outer and inner doors were promptly battered down, and the mob soon swarmed through the building. It was at once learned that the object in view could not be realized, as Berner had been removed and started on the way to the penitentiary at Columbus. Palmer, his negro associate in the crime, was still in the jail, but escaped identification by the lightness of his color. It appears that no prisoner was molested, and so far as the purpose of the rioters was to wreak vengeance on the men primarily responsible for the evil state of things, it was totally without exercise. This fact was pithily remarked upon by Murat Halstead in a telegram to Governor Hoadly. "The wrong men are killed," said he.

A squad of police presently arrived in the jail through the underground passage from the courthouse, followed by as many as could be mustered of the First Regiment of the National Guard of Ohio, under command of their colonel, C. B. Hunt. Efforts to restore order, and threats that firing would be resorted to, proved unavailing, and indeed continual overt manifestations were made by the mob, missiles being hurled and pistol shots discharged. Force became necessary, and there was firing by the police and soldiers, both at their assailants in the jail and the more active demonstrators on the outside, some of whom scaled the walls and began a fusillade of stones and bullets, also throwing burn-

ing planks through the windows. On both sides blood was shed, though the most serious loss of life did not occur this first night. Finally ejecting the intruders from the jail, the police and military directed their energies against the rioters in the street, who after some hours dispersed.

During the forenoon of March 29th, Mortimer L. Hawkins, sheriff of Hamilton county, telegraphed to Governor Hoadly: "Great danger apprehended to-night. Send regiment by special train." The Governor issued immediate orders for the assembling of the Fourteenth Regiment in Columbus (Colonel George D. Freeman) and the Fourth Regiment in Dayton (Colonel Frank B. Mott). Meantime he dispatched telegrams to several representative citizens of Cincinnati, including his Chief of Staff, General Michael Ryan, inquiring whether they thought the troops would be needed. It is of singular interest that these gentlemen replied unanimously in the negative. Not satisfied, the Governor asked them to confer with the sheriff and Colonel Hunt, and after doing so they wired their approval of the application. As soon as the regiments could be made ready they were forwarded to the scene of trouble. They were needed, indeed. Well would it have been could they have arrived some hours earlier.

Throughout the daytime of the 29th, the mob was quiescent, though still sufficiently in evidence. The sheriff and those coöperating with him erected barricades, surrounding the jail, but unfortunately affording no adequate protection for the neighboring courthouse. Soon after the fall of night active and persistent offen-

sive offers were made, without effect on the barricaded jail defenders. Up to that time the local First Regiment was the only military body on the ground. Failing in their attacks against the jail, the rioters turned their attention to the courthouse, broke in the doors, and kindled fires in different offices. The whole structure was quickly aflame. It was practically destroyed and had to be rebuilt. But the jail, which was fireproof, stood uninjured. The soldiery fired with deadly effect on some of those engaged in the destructive work. During these proceedings Captain John J. Desmond, of Company B, was killed by a revolver shot from the crowd. His murderer was mortally wounded the same night and confessed while in his death agony.

The first arriving regiment sent by the Governor was the Fourth, of Dayton. As its conduct was a material incident of the tragical occurrences, passing allusion cannot be omitted.

We quote without comment from Adjutant General Finley: "About 9.45 Colonel Mott, with his command, arrived within three squares of Colonel Hunt's lines, when the command was halted and remained for some time, the mob mingling with the soldiers and assaulting them with violent epithets, if not with missiles. After enduring this treatment for some time, the command marched back to the railroad depot whence it came. Had the regiment moved promptly to the assistance of Colonel Hunt, I believe that the courthouse might have been saved. It is proper to state that Colonel Mott, with 116 of his command—officers and men,—reported for duty the next day (Sunday) between 2 and 3 o'clock P. M., at the jail."

Toward eleven o'clock Saturday night, Colonel George D. Freeman, with his command, embracing the Fourteenth Regiment of Columbus, and two other companies, reached Cincinnati. Marching to the jail in perfect order and with the greatest promptness, Colonel Freeman there divided his troops to clear the neighboring streets at the point of the bayonet. Savage resistance being encountered, he and his officers warned the mob again and again; but not until six of his men had fallen under the assaults was the order given to fire. It was then effective and quick business, and the whole situation was soon under control. Some renewed attacks were made at various points, and there was more shooting, killing, and wounding. After two o'clock on Sunday morning comparative quiet was established.

During Sunday, the 30th, and the succeeding night, all the remaining regiments of State troops (with one exception), arrived in the city. Despite the presence of this overpowering force, the demonstrations on Sunday evening showed little abatement of either volume or violence. Again bayonet and ball had to be used, with the extra persuasion of a gatling gun at one point. This was the last of the fighting, and in a few days all the soldiers were dismissed to their homes.

The estimate of three hundred killed and wounded in the three days would seem to be under the mark when it is considered that very many of the wounded were naturally unwilling to make their condition public. Greve says: "The exact number of victims can of course never be known. There were said to have been twenty dead bodies lying at one time in the morgue.

The hospital contained at one time one hundred and fifty wounded and dying. The total number of killed is estimated at more than fifty, while several hundred were wounded. A great many others were wounded, but the injuries were so slight as not to become known."

In April, 1884, a disagreement as to wages arose between the coal mine operators and miners in the valleys of the Hocking and its branches. This culminated in June in a general discharge of the workmen and temporary cessation of labor, followed by the employment of imported laborers at lower pay and the customary troubles which attend such situations. The disturbed counties were Hocking, Perry and Athens. Although there was more or less rioting from the beginning of the strike, the difficulties did not become acute until the night of August 30th, when an organized attack was made upon the men working the mines at Longstreth and Snake Hollow, in Hocking county, and Straitsville, in Perry county. The telegraph and telephone wires were first cut to prevent communication. Several hundred shots were fired, many of them into a frame house where mine employes were working, a custodian of one of the mines was killed, a number of people were severely beaten, and a hopper was set on fire and burned down.

The sheriff of Hocking county telegraphed the Governor for troops, and the latter promptly ordered several organizations of the National Guard under arms. But before dispatching any of the soldiers, he made a trip of observation by special train through the Hocking valley, leaving Columbus shortly after one o'clock of the morning of September 1st. His inspection resulted

in the forwarding of four companies, which were stationed at different points and withdrawn as soon as their continuance was deemed unnecessary. Although the strike was not settled until the spring of 1885 (when the men accepted the terms prescribed by their employers), military aid was not again called for. During the course of the controversy two mine hoppers, a railway tunnel, and three railway bridges were burned and seven mines were set on fire.

Under Hoadly's Administration the provocations and demands for the exercise of the military authority of the State were exceptional. Both in the Cincinnati and Hocking valley affairs the Governor showed a disposition to thoroughly assure himself of the absolute necessity before acting, and in some quarters he was criticized for lack of promptitude and initiative. The whole question of the duty and appropriate spirit of the Executive in such emergencies is of most grave and permanent importance. Governor Hoadly thus expressed his views in his message of 1885: "I could have garrisoned Hocking county, and, while the force remained, quiet would have prevailed in its immediate vicinity. But the employment of military force is itself an evil. Our system of government does not contemplate its use as a permanent or long-continued remedial agency. It is the last resort, and should be sparingly applied, used only when certain to benefit, and withdrawn as soon as the occasion has passed. It has seemed to me better to endeavor to awaken the civil authorities to a sense of the dangers of the situation and their duties, than to supersede them with the militia."

From the dismal record of disaster of the year 1884 it is pleasing to turn to an event of remarkable interest and consequence in the material progress of the State.

The commercial use of natural gas in Ohio dates from the famous exploration, or so-called discovery, at Findlay in the latter part of 1884. Strictly speaking, the discovery of Ohio gas must be placed seventy years earlier, 1814, when workmen drilling for salt at South Olive, Noble county, were much confounded by a sudden eruption of water mingled with petroleum, under a pressure of gas so forcible that the column mounted over thirty feet high. In other localities of Southeastern Ohio petroleum and gas were liberated from the earth at early periods. The petroleum, then called Seneca oil, was employed in a small way for medicinal, illuminating, and lubricating purposes, but in its crude state gave little satisfaction; while the gas, from its dangerous nature, was thought worse than useless. Both substances, when lucklessly found in the search for salt, were regarded as intolerable nuisances.

In Findlay and vicinity gas was known and discussed long before its practical value was realized. It was frequently found in digging water wells and sewers. As far back as 1836 a flow was released at a depth of some ten feet, the gas was ignited, and the flame was maintained for three months. Professor John Adams Bownocker is authority for the statement that from a stronger flow, which began in 1838, the gas was collected in rude fashion, put to use in one of the residences of Findlay, and was still being burnt in the same residence at the time of the great awakening in

1884. ("Geological Survey of Ohio," Fourth Series, Bulletin No. 1, p. 32.) In 1864 Dr. Charles Oesterlin, a citizen of Findlay, proposed the building of reservoirs to store the natural gas, preparatory to using it for domestic purposes. But the various early indications of the presence of the gas were the results of accidental escapes, and there was no attempt to test the underlying rocks until the opening of the gas fields in Pennsylvania attracted general attention to the new fuel.

In the year of 1884 Dr. Oesterlin succeeded in organizing a company to bore for natural gas in Findlay. An experienced driller was secured from Bradford, Pennsylvania, and on October 20 work was begun. At 1,092 feet a flow was obtained sufficient to produce a flame from twenty to thirty feet. This result created great interest and excitement. The second successful well was drilled by the Findlay Gas Light Company, and in December the gas was turned into the mains and the local consumption began. Well No. 4 had an initial flow of 1,250,000 cubic feet in twenty-four hours, and Well No. 7, 3,335,000 cubic feet. But these were of small importance compared with the great Karg well, No. 13, which was drilled in December, 1885. At 1,144 feet the flow became so enormous that the tools were powerless to advance. "The escaping gas seemed to make the earth tremble, and the roar could be heard several miles. When lighted the flame could be seen forty miles away. The flow of gas was measured by Professor Robinson and found to be 12,000,000 cubic feet in twenty-four hours."

The Findlay discoveries were rapidly followed by exploitations of the surrounding country, with varying

results. The Tippecanoe well, two miles north of the courthouse, produced, on the first three days of its flow, 32,000,000, 24,000,000, and 19,000,000 cubic feet, respectively. This property was offered for sale to the Findlay municipal natural gas plant, but the trustees declined it, and, acquiring adjacent land, drilled at a distance of sixty feet from the Tippecanoe. The result was total failure, showing the extreme uncertainty of the industry even in fields supposed to be the most productive. Seven townships of Hancock county and six of Wood proved to be the richest in that section of the State.

There were successful operations at Bowling Green, North Baltimore, Fostoria, St. Mary's, and other localities in Northwest Ohio. In Central Ohio large reservoirs were tapped at a number of places—notably Lancaster, Newark, Thurston, and Sugar Grove. The drill has since traveled to every county of the State.

A voluminous work could be written on the history of Ohio natural gas. So extensive has been its use that in all parts of the State our citizens are familiar with it, and in scores of communities the householders have for many years known no other fuel. It is still piped, in billions of cubic feet, annually, to the principal cities. The industries of Ohio have greatly profited from this economical fuel, and the phenomenal development of manufacturing, and also of urban growth, are largely traceable to its employment.

On the economic side an unpleasant phase of the subject requires to be noticed—that of the systematic and tremendous waste. In recent years, with the continuous exhaustion of the fields, a spirit of conser-

BELLAMY STORER

Born in Portland, Maine, March 26, 1796; attended Bowdoin College, and was admitted to the bar in Boston in 1817; removed soon afterward to Cincinnati, where he became a leading citizen and prominent member of the bar; in 1824 edited the *Crisis*, in which was advocated the election of John Quincy Adams to the presidency; member of the twenty-fourth Congress; active and efficient supporter of General William Henry Harrison for President; presidential elector in 1844; elected Judge of the Superior Court of Cincinnati in 1854, and so continued by subsequent reëlections until 1872, when he resigned; many years identified with the Cincinnati Law School; died in Cincinnati, June 1, 1875.

that section of the State.

There were successful operations at Bowling Green, North Baltimore, Fostoria, St. Mary's, and other localities in Northwest Ohio. In Central Ohio large Lancaster, Newark, Thurston, and Sugar Grove. The drill has since traveled to every county of the State.

A voluminous work could be written on the history of Ohio natural gas. So extensive has been its use that in all parts of the State our citizens are familiar wit

for many years known no other fuel. It is still piped in billions of cubic feet, annually, to the princip cities. The industries of Ohio have greatly profi from this economical fuel, and the phenomenal develop ment of manufacturing, and also of urban growth are largely traceable to its employment.

subject requires to be noticed—that of the systema and tremendous waste. In recent years, with the continuous exhaustion of the fields, a spirit of

B. Storer

vation has become manifest, but the early tendency was everywhere most reckless. "One might believe," writes Plutarch, "Lucullus thought his money really captive and barbarian, so wantonly and contumeliously did he treat it"—and the people of Ohio showed a like attitude toward natural gas whenever and wherever they found it. It became the fashion for municipalities to offer "Free Gas for Manufacturers," and sometimes gratuitous use was guaranteed for five years. The same lavish liberality was shown to domestic users. In Findlay the price "per fire" monthly was reduced by competition from a dollar to fifteen cents, and a further reduction to five cents was about to be made by one company when the municipality stepped in and brought the contest to a close. The city itself was long an active participant in the waste, burning huge torches by day as well as night, and in this manner alone wasting 15,000,000 cubic feet per month during the year 1887. The great wells were frequently ignited to gratify the curiosity of visitors or to afford extra proof that the gas was real to those having money to invest. At Lancaster a pipe line was laid around the race track, and there were nightly races under a dazzling illumination. A writer on the early aspects of gas in Ohio refers to "the strange folly," generally characteristic of the situation, "that seems bound up in the heart of a municipal corporation when it obtains a good supply of gas, that it can find some who can use the fuel up in the largest way and most rapidly, to whom to give it, without money and without price." ("Geological Survey of Ohio," First Annual Report, 1890, p. 256.)

It was the natural gas development that directly opened the way for the rise of the Ohio petroleum industry. From 1860 to 1884 the total production of petroleum in the State had a value of only $579,223. ("Mineral Resources of the United States," 1890, p. 542.) At first territory was exploited wholly for gas, and the by-product of oil found was little esteemed. But gradually the magnitude of the oil supply became apparent, and the petroleum operations assumed immense importance. The State's oil production rose in twelve years from 90,081 barrels in 1884 to 23,941,169 barrels in 1896.

The total production of natural gas in Ohio for the year 1910, according to the United States Survey reports on the mineral resources of the United States, was 48,232,406,000 cubic feet, valued at $8,626,954. This production was less than one-half the total consumption of the article in the State, which, according to the same authority, amounted in 1910 to over one hundred and eight billions of cubic feet. The supply in excess of our own resources is brought from West Virginia. The history of the Ohio fields shows a steady exhaustion of the gas after varying periods of use, with, however, constant opening of new territory. At present Ohio ranks third among the states for the quantity of natural gas produced.

For the year 1910 Ohio's production of petroleum was 9,916,370 barrels of forty-two gallons, having a value of $8,727,860. This State was formerly the first of the Union for the yield of petroleum, but in 1910 had fallen to the fifth rank.

Chapter XIV.

THE ADMINISTRATIONS OF GOVERNORS FORAKER, CAMPBELL, McKINLEY AND BUSHNELL

THE question of regulating the liquor traffic by taxation had now become the most important question in State affairs. The election of Judge Hoadly and the consequent acts of his Administration had resulted in the obliteration of all attempts to tax the liquor traffic. The "Scott Law," which had been passed April 17, 1883, undertook to remedy the defects which existed in the "Pond Law." The latter law was declared unconstitutional because the Supreme Court held it to be practically a license law. The "Scott Law" was at first upheld by the Supreme Court (see Chapter XIX.), but in a subsequent case it was held that the law was in effect a license and therefore unconstitutional. With no law on the statute book taxing the liquor traffic, that trade was practically free, and an annual revenue which was provided for by this legislation, amounting to $2,000,000, was totally lost to the State.

This situation existing, each party in its State Convention of 1885 renominated its old candidate—Governor Hoadly on the part of the Democrats and Judge Foraker by the Republicans. The platforms of the several parties contained no distinctive State issue except that of the liquor question. The Republicans held the Democratic party responsible for the destruction of the "Scott Law" and the "consequent increase of the burdens of taxation upon all property and the abandonment of an annual revenue of $2,000,000," and they declared for the regulation of the liquor traffic by taxation. The Democrats declared that their party was opposed to "sumptuary legislation" and favored regulation by license, and to that end they advocated

the submission of a constitutional amendment. A third party that figured in this campaign, and of no little consequence, was the Prohibition, which declared for absolute prohibition of the liquor traffic.

In 1883, Judge Foraker won the attention of the State by his fearless attitude on the question at issue, and through his aggressive speeches he was recognized as the one to head the ticket, largely on account of the fact that the issues were identical and that he had in every way shown his qualifications to masterfully present them to the people. Early in the campaign it became apparent that the two candidates would speedily join in personal debate, as they were replying to each other at long range with very little satisfaction. Consequently, it was not long before Asa S. Bushnell, chairman of the Ohio Republican State Committee, on behalf of Judge Foraker, issued a challenge to Governor Hoadly, through the Democratic State Committee, for a discussion of the issues of the campaign at such times and places as might be agreed upon by those committees. After much correspondence, it was agreed, October 2d, that joint discussions between Governor Hoadly and Judge Foraker should take place at Toledo and Cincinnati, October 8th and 10th respectively.

In the debates which followed, Governor Hoadly opposed the taxation of the liquor traffic both on constitutional and political grounds. He contended that no valid law taxing the traffic could be passed in Ohio under our present Constitution. He further contended that it was an interference with the right of personal liberty, and appealed to the class who

resented such an interference for support. Judge Foraker, on the other hand, urged taxation as the best means of regulation, and proposed by such legislation to lessen the general taxes of the people by compelling a traffic which contributed largely to making government expensive, to pay a portion of those expenses. He maintained that it would contribute much toward suppressing and preventing the evils arising out of the use of intoxicating liquors. The debates were read with much interest throughout the State and given wide publication. It was generally conceded that in the discussions Judge Foraker presented his case much more effectively than Governor Hoadly, and this notwithstanding that the Governor ranked as one of the first lawyers of the State. But he was unaccustomed to popular oratory and the presentation of his arguments in popular form, while Foraker had developed oratorical powers that made his speeches very impressive and attractive. His courage in presenting the issue and his unwavering adhesion to the principles involved, won not only the admiration of his political friends but the respect of his opponents. A joint debate between two candidates for Governor is not a frequent thing in the history of Ohio politics. The instance under discussion was the first since 1859, when William Dennison and Judge Rufus P. Ranney, candidates for Governor, divided time in public discussion.

There was a similarity in these incidents. Governor Hoadly, one of the leaders of the Ohio bar, in joint debate with a brilliant young member of the same profession twenty years the junior of the Governor, found a parallel case in William Dennison, a young and com-

paratively unknown member of the bar in contest with Ranney, who was then easily the leader of the Ohio profession. Another instance of a joint debate between candidates for Governor was in 1840, when "Tom" Corwin, the candidate of the Whigs, engaged in joint discussion Governor Wilson Shannon, who was a candidate for reëlection. As might be anticipated, Shannon stood in small favor as compared with Corwin. The latter, as the greatest orator of his time, of course found no match in the person of Governor Shannon, and so disappointing was the performance to the Democrats of that day that the Governor was withdrawn from the stump, and the brilliant Thomas L. Hamer, of Georgetown, was substituted. In him Corwin found a ready debater and a dangerous antagonist. While he possessed none of the humor, eloquence and power of Corwin, he was a persistent logician, and by sheer force of his arguments almost stilled Corwin in the debates. The last time that gubernatorial candidates engaged in a joint discussion was in 1891, in the McKinley-Campbell campaign, which is referred to later in this chapter.

In this same campaign there was also submitted a group of three important amendments to the Constitution, all of which were favored by both political parties. Consequently, the vote in opposition was small. These amendments were adopted for the purpose of changing the time of the State elections, as well as the elections for county officers, from October to November and thus conform to the law of the United States regulating presidential and congressional elections. The first of this group of amendments pro-

vided for the biennial election on the first Tuesday after the first Monday in November, of senators and representatives, the terms of office to begin January 1st thereafter. The vote (Ohio Statistics, 1885) on this amendment was 538,858 yeas to 53,177 nays. The second provided for the election of the Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer and Attorney-General on the same day in November, and was ratified by 536,273 yeas to 53,223 nays. The third amendment provided for the election of county officers on the same day for such term, not exceeding three years, as may be provided by law. This was ratified by 534,669 yeas to 53,629 nays. With these amendments Ohio passed away as an "October State." For years she had been regarded, in the political language of the times, as the "pivotal" State of the Union, and as a result electors and candidates were exposed to great expense and inconvenience and the door was opened to possible corruption and degradation in politics. The dual election system occupied the time of the people of the State, in presidential years, to the detriment of business, and the change that was made was hailed with delight not only by men engaged in politics, but by those in the business affairs of life.

After an exciting campaign Judge Foraker was elected Governor, his plurality being 17,451 over Governor Hoadly. All of the candidates on the Republican State ticket were also elected.

Notwithstanding that the State was carried safely by the Republicans, the Legislature was close, and this fact gave rise to sensational investigations and much

litigation and dispute concerning the title of some of its members to their seats. In Hamilton county, where the vote was very close, notorious and bold frauds were committed in some precincts of Cincinnati—notably in Precinct A, Fourth ward. The returns from this precinct showed, as was afterwards demonstrated by proof, that fictitious names and tallies were added to the poll sheet to give a majority to the Democratic candidates, including those who were candidates for the General Assembly. In addition to fraudulent additions to the names and tallies, the original totals, which were in excess of the vote actually cast, were altered by changing the figure "7" in the hundreds column of the Democratic vote to "9." This change was apparent on sight, so clumsily was it done. These facts immediately placed in dispute the seats of the four senators and the ten representatives from Hamilton county, and objection was made to giving them their certificates of election. The county clerk took the position that he must take the returns as presented to him, leaving each branch of the Legislature to decide who was entitled to a seat therein. On an appeal to the courts an order was obtained enjoining the clerk from issuing certificates to the Democratic candidates and directing how he should canvass the votes. The question was carried to the Supreme Court, and here the action of the court below was reversed and the certificates were ordered given to the four senators and the ten representatives that were claimed by the Democrats to have been elected from Hamilton county. In this manner the whole question was relegated to the respective Houses in which the candidates claimed

their seats. When the Sixty-Seventh General Assembly met, January 4, 1886, the members holding certificates of election were: Senate, 20 Democrats and 17 Republicans; House, 58 Republicans and 52 Democrats.

In the Senate the certificates of the sitting Democratic members, which were issued on the face of the returns, were claimed by the contesting candidates to be fraudulent and invalid. Although they had been sworn in, a motion was made to reject their credentials as invalid. These proceedings in the Senate occupied a greater part of the session, the principal question being, on a motion to reject the four senators from Hamilton county, "Should it be put as bearing upon them in a body or as individuals?" The Democrats claimed that each individual case stood upon its merits and the vote should be so taken. If this plan should be adopted, each of the three contested senators could vote upon the case of the fourth, and as there were 19 Democrats to 17 Republicans and all voting was on a strictly partisan basis, it is easy to see what would be the result. On the contrary, if the vote should be taken on deciding the right of the four senators as a body to their seats, then, on similar partisanship, the vote would be 17 Republicans to 16 Democrats. After much debate a committee of six, equally divided between the two parties, was appointed to investigate the charges of fraud. This committee sat from February 4th to April 29th, and on the latter day two conflicting reports were presented to the Senate. The Lieutenant Governor's rulings during the discussion, which was on May 5th, were bitterly protested against by the Democrats, and they refused to vote. Fourteen of

them left the Senate and, to avoid service by the sergeant-at-arms, departed from the State. In the meantime, the Republicans, then constituting the majority of the members present, but a minority of the Senate, unseated the four Hamilton county senators and admitted to full membership the Republican contestants, thus making a Republican majority in the Senate. All of these questions and votes were submitted *viva voce* and the roll was not called on any of them. A case (State, *ex rel* Herron vs. Smith. 44 Ohio State Reports, page 348), in which this state of facts was involved, was afterward taken to the Supreme Court. The Court declined to accept any evidence except the record of the Senate, which it held must be final and conclusive unless contradicted by itself, and was not subject to impeachment. Inasmuch as the record had not shown the number of senators voting, there was no proof that the vote was insufficient or illegal.

The proceedings in the House were of a more summary character. The credentials of the ten representatives from Hamilton county were subjected to a summary investigation by a committee of the House. After taking a great deal of testimony, the House, by resolution, unseated the sitting members, and their places were given to the Republican claimants, making the membership 68 Republicans and 42 Democrats.

These proceedings were the source of much bitterness throughout the State among the partisans and were looked upon with disfavor by disinterested citizens. The unseating of the four Democratic members from Hamilton county by a minority of the full Senate cannot be justified in law or equity, and it is only saved

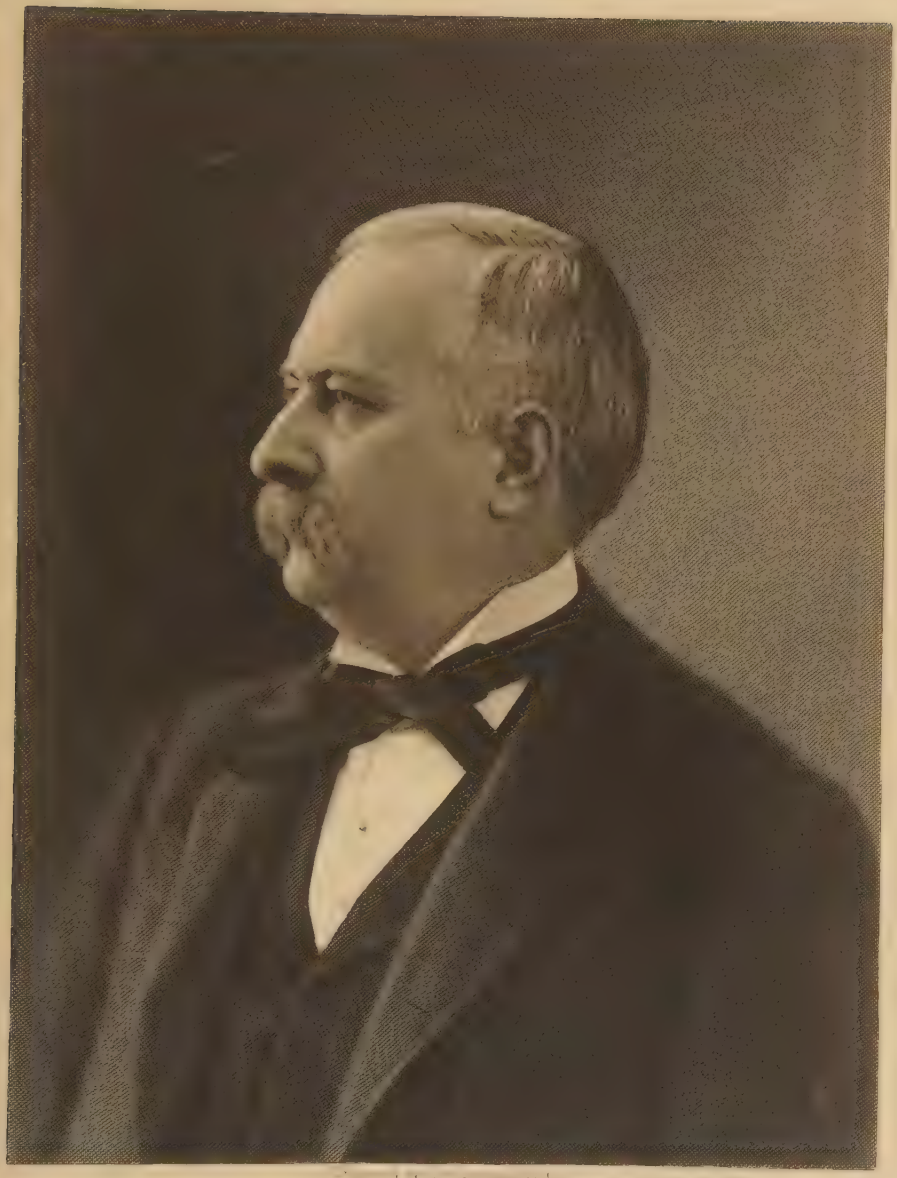
JOSEPH BENSON FORAKER

Born near Rainsboro, Highland county, Ohio, July 5, 1846; enlisted, July 14, 1862, as a private in the Eighty-Ninth Ohio Infantry, and served to the end of the war, becoming First Lieutenant and Brevet Captain; graduated from Cornell University, 1869, and in the same year was admitted to the bar and began practice in Cincinnati; Judge of the Superior Court of Cincinnati, 1879-82; unsuccessful candidate for Governor, 1883 and 1889; served as Governor two terms, 1886-88 and 1888-90; United States Senator two terms, 1897-1909; resides in Cincinnati.

viva voce and the roll was not called on a
A case (State, *ex rel* Herron vs. Smith.
Reports, page 348), in which this state
and conclusive unless contradicted by itself,
not subject to impeachment. Inasmuch as the
had not shown the number of senators vo
was no proof that the vote was insufficient

The proceedings in the House were of a
atives from Hamilton county were subjecte
the membership 68 Republicans and 42 Democra

These proceedings were the source of much bit
ness throughout the State among the partisans and w
looked upon with disfavor by disinterested citiz
The unseating of the four Democratic members f
Hamilton county by a minority of the full Senate
not be justified in law or equity, and it is only s



Very truly &c
J. C. Foraker

from being characterized as revolutionary by the fact that there is no permanent or written record that such proceedings were ever had, the clerk of the Senate at the time having registered the proceedings in the same manner that he would have done had a majority of the Senate done the voting. The Supreme Court, in declining to go behind the record of the Senate, simply followed well settled precedents in law, and though at times such a principle may work injustice, the reversal of it, and permission to impeach the record, would open the way to interminable litigation and make almost every act of legislation subject to contest and dispute. The proceedings in the House, while unusual if not high-handed, were clearly within its constitutional authority, it being provided in the Constitution that "each house shall be the judge of the election returns and qualifications of its own members"; and undoubtedly the House had the right, after sufficient information, to judge and pass upon the election returns of those elected to its membership. The usual method of contesting was dispensed with in this case because the returns themselves were self-evident of fraud, and it was within the power of the House to acquire such other testimony as it might deem necessary in order to establish the fact that the election returns of its own members were fraudulent and forged. We cannot escape the thought, however, that all of this might have been done in the usual and slow manner of a contest, but it is an evidence of the high spirit of partisanship of those times that politics was operated on the basis that "the end justifies the means."

On January 12th the two Houses balloted separately for United States Senator, as follows: In the Senate John Sherman received 17 votes and Allen G. Thurman 20 votes. In the House John Sherman received 67 votes and Allen G. Thurman 42 votes. When the Houses met in joint convention the next day and it appeared from the record that neither of the candidates had received in each House a majority of all the votes cast therein, a joint ballot was ordered and taken, which resulted in Mr. Sherman receiving 84 votes and Mr. Thurman 62 votes, and thus John Sherman was declared duly elected to the United States Senate for the fifth time.

Judge Foraker was inaugurated Governor of Ohio January 11, 1886. In his inaugural address he covered every subject of State affairs that in his judgment needed attention. In view of the recent frauds on the ballot, he recommended stringent supervision of elections; advocated reforms in municipal government; urged that the benevolent institutions be taken out of politics, and opposed reorganization for political purposes; urged the creation of a State Board of Health, and recommended arbitration boards for the settlement of labor disputes. On the liquor question he expressed himself as favorable to the taxation of the traffic. "For," said he, "if anything has been accomplished by the discussions we have had, it is that there shall no longer be free trade for this traffic in Ohio, either by the absence of all legislation or, by what is equally detrimental to the interests of the State and the morals of the people, only such legislation as there is no public sentiment to support. Such

was the platform of the party that prevailed at our last election. It was clearly announced and emphatically indorsed. There should be, therefore, an immediate enactment of efficient measures to prevent and suppress the evils of intemperance, including the imposition of a tax upon the business wherever carried on. The so-called 'Scott Law' was a wise provision of this character. The decision of the Supreme Court declaring it unconstitutional was founded only on one feature of the statute. The constitutional right to impose the tax was not and cannot be successfully questioned. The difficulty is removed by simply omitting the objectionable feature. Such a measure has the merit of being practical; no constitutional amendment is necessary; it is immediate in its benefits; public sentiment will uphold and enforce it; it will greatly diminish the number of places where this business is carried on, and if wisely administered it will in a large measure suppress the evils of all, and at the same time yield a much-needed revenue and leave the people free to deal with it further as they may ultimately see fit."

The Legislature was responsive to the popular demand for liquor taxation, and on May 14, 1886 (83 Ohio Laws, 157), an act was passed, popularly known as the "Dow Law," from the Senator introducing the same; this act provided for taxing the liquor traffic without conflicting with the constitutional prohibition of license. It provided that everybody engaged in the business of trafficking in spirituous, vinous, malt or any intoxicating liquors should pay into the county Treasury the sum of $200. The general

effect of this legislation was to eliminate many saloons and at the same time furnish substantial revenue to the county. The returns of county auditors for this year first made under the "Dow Law" showed that the number of saloons taxed $200 each was 8,941 and the saloons taxed $100 each, 2,989, making the total amount of tax assessments collected, including penalties, $2,-144,129.71. The law was afterwards amended at different times and also decided constitutional (see Chapter XIX.) by the Supreme Court. It still stands as the basis of the taxation of the liquor traffic in Ohio, which may be regarded as the fixed policy of the people of Ohio.

The Administration of Governor Foraker was characterized by advanced steps in various directions. Following his recommendation, the State Board of Health was established and important laws for registration of voters and for regulating elections in Cincinnati and Cleveland were passed. These provisions were afterwards extended to Toledo, Columbus and Dayton. It was upon his suggestion that the last vestige of the "black laws" was repealed.

At the Republican State Convention held in Toledo July 27th, Governor Foraker was renominated. His opponent on the Democratic ticket was Thomas E. Powell. The campaign which followed was tame as compared with the two former ones in which the Governor engaged. Foraker defended his administration with great vigor and success, for the election returns gave him a plurality of 23,329 over his competitor.

With the year 1888 came the centennial anniversaries of the settlement at Marietta, April 7, 1788, and the inauguration of law in the Northwest Territory on July 15th following. These centennials were celebrated throughout the State at different points and by different methods. The second inaugural address of Governor Foraker on January 9th of this year was remarkable in that it contained no reference whatever to official matters relating to State government. It was an oration, historic and literary, treating the important progress that the State had made in its first hundred years since the settlement at Marietta and drawing lessons from the hardships and fidelity of its founders. The tone of the inaugural was keyed upon a lofty scale and was an appeal to the spirit of patriotism of the State to make itself worthy of the example set forth by the fathers. With this official enunciation of the centennial the first celebration was at Marietta April 7th, to commemorate the landing at that place of the first colony. The occasion was national in its scope and brought together conspicuous men from New England, New York, and Virginia. The formal address of welcome was delivered by Governor Foraker, and during the celebration learned and eloquent orations were delivered by Senator George F. Hoar and Dr. Edward Everett Hale, of Massachusetts, former President Rutherford B. Hayes, Hon. J. Randolph Tucker, of Virginia, and Dr. Henry M. Storrs, of New Jersey. A second celebration was held on July 15th–19th, commemorating the establishment of civil government in the Northwest Territory. On this occasion an equally fitting program was carried

out, Governor Foraker as before representing the State, and addresses were delivered by Hon. John W. Daniel, of Virginia, Mrs. Mary A. Livermore, of Massachusetts, Hon. William M. Evarts and Thomas Ewing, of New York. In addition to these there were a number of speeches by eminent citizens of Ohio. Another form of the centennial celebration was projected and carried out at Cincinnati, under the form of an exposition representing the Ohio valley and the central states. Its main purpose, in addition to its historical import, was to show the progress and present prosperity of the states represented. The exhibition opened July 4th with exercises in which the states of Kentucky, Pennsylvania, Indiana and Nebraska were represented by their respective chief executives and other officials, together with many distinguished citizens.

The third centennial celebration was at Columbus in the form of an industrial exposition, showing the progress of a hundred years in the sciences of agriculture and mechanics. It was conducted jointly by the State Board of Agriculture and the citizens of Columbus, taking the place of the annual State fair. The exposition opened September 4th in the presence of a vast concourse of people. The two states that were responsible very largely for the early settlement of Ohio at Marietta and in the Western Reserve—Massachusetts and Connecticut—were officially represented. In conjunction and contemporaneous with this celebration was the National Encampment of the Grand Army of the Republic. This added to the interest of the celebration, both from a material and patriotic standpoint. The exposition closed October 19th.

In the latter part of this year there developed in Southern Ohio organized bands of lawless men that made it necessary for the Governor to interfere in the interests of peace and order. On the night of November 17th there suddenly appeared in the town of Sardinia, Brown county, near the line of Highland county, a band of horsemen, variously reported as numbering from thirty to fifty persons, wearing masks, and calling themselves "White Caps"; they proceeded to the residence of a humble citizen by the name of Adam Berkes, whom they aroused from his slumbers, took from his bed and house, and whipped with a number of lashes, because he had not, so far as any cause was assigned, in some way particular, real or imaginary, lived as they claimed he should. It was a startling crime, calculated, if allowed to go unchallenged, to lead to a rapid spread of such practices, to a shameful disgrace to our State and ultimately to bloodshed and general demoralization and disregard of law and of the established legal tribunals and methods for the redress of grievances. This practically states the occurrence as given by Governor Foraker in his annual message of January 8, 1889. The Governor took immediate cognizance of the situation and ordered an investigation, from which he discovered that a regular organization had been formed of a secret oath-bound character, with a growing membership, including in its ranks some prominent, respectable and responsible citizens; they were going upon the theory that they were strong enough to take the enforcement of the law into their own hands, defy the legal authorities and prevent prosecutions against them if instituted. The

Governor finally discovered the individual membership and secured from them an agreement to disband their organization and refrain from any more raids, whippings, threatenings and intimidations, in consideration of which the Governor pledged immunity from further proceedings against them. The earnest position taken by the State authorities and the knowledge on the part of the offenders that they would be summarily dealt with in the future brought peace and quiet to a section of the State that hitherto had been governed by a reign of terror.

In the Republican National Convention held this year, Ohio again represented the name of John Sherman as a candidate for the nomination for President. Those prominently mentioned for the nomination were, James G. Blaine, John Sherman, Benjamin Harrison, William B. Allison and Russell A. Alger. Mr. Sherman was considered the leading candidate, and from the first ballot until the sixth polled the largest number of votes in the Convention. On the eighth ballot Benjamin Harrison, of Indiana, and a native of Ohio, was nominated. Ohio impressed the National Convention with two striking occurrences. The first was the speech of Governor Foraker seconding the nomination of Senator Sherman, and the second that of Major William McKinley, who, in the midst of a roll-call, arose and, in a remarkably impressive protest, requested the delegates to cease voting for him.

The two terms of Governor Foraker had made him a conspicuous character in his party both in a State and National sense. His administration of State affairs had been successful and creditable, but nevertheless

he was subject to attack on account of his prominence as a party leader. In two National conventions he had won the admiration of the Republicans of the country. In addition to his power of oratory he had developed great intellectual strength, which was demonstrated by the force and character of his public expressions, both oral and written. During this time he had also attracted to him a large element of the younger portion of the Republican party. Won by his attractive personality and held by the force of his individuality, he soon built up a following that was entirely his own. His rapid rise to prominence and influence in the country was viewed with feelings akin to jealousy by the older leaders of his party in Ohio, and it was noticeable that at this time commenced a cleavage in the Republican party of Ohio that divided into separate followings the friends of Governor Foraker and those of Senator Sherman and congressional leaders like William McKinley, Benjamin Butterworth and Charles H. Grosvenor.

As the time approached when the Republicans should select a successor to Governor Foraker many candidates offered themselves, but it was apparent that among the enthusiastic supporters of Governor Foraker it was the desire to confer upon their leader the unprecedented honor of a third term as Governor of Ohio. When the Republican State Convention assembled at Columbus, June 25, 1889, there were seven candidates for Governor presented for its consideration. All were men of fine qualities and high character, but most of them enjoyed merely a local reputation and had a following that was confined almost entirely to their congressional

districts. On the first ballot the showing for none of them was such that indicated any prospect of a nomination, and the support of most of them seemed to be merely perfunctory. On the second ballot the work of Governor Foraker's friends became apparent and the result of his superb organization first manifested itself. He received 254 votes, and before the result was announced the abandonment by the delegates of their local favorites commenced, with the result that Governor Foraker was nominated for the fourth time by the Republicans of Ohio as their candidate for Governor. The nomination was received with great disfavor by the old-time politicians of the State, and they viewed with concern and distrust a political organization that could accomplish so smoothly and effectively an object never before attained in Ohio politics. When the delegates separated, the Republican members of Congress, all of whom were members of the Convention and at that time constituted a very formidable and influential body, were silently, almost to a man, opposed to Governor Foraker's reëlection.

The Democratic State Convention met also at Columbus on August 28th. On the second ballot, James E. Campbell, of Hamilton, was nominated for Governor. He was a new man in State politics but was extremely popular in Southwestern Ohio and had served as member of Congress from the Butler county district for three terms. He was an able debater and possessed an attractive manner of discussing public questions, being especially effective in gentle sarcasm and ridicule. On the whole he was recognized as a strong candidate, his record in Congress being especially favorable to

the soldiers. In addition to these qualifications, like his competitor he was a man of great personal attractiveness, winning friends readily and holding them steadily.

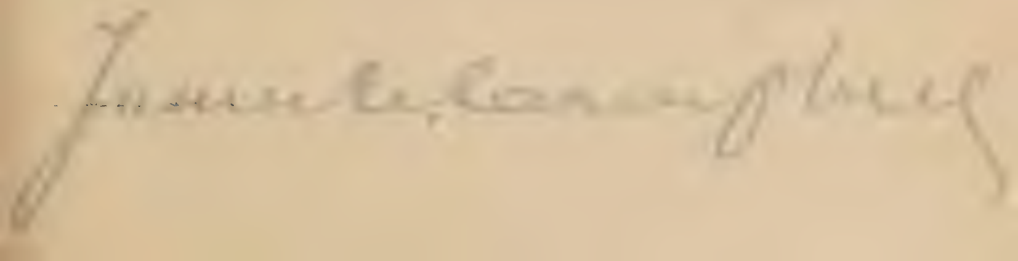
The canvass which followed was very exciting and the speeches of the candidates were characterized by aggressive criticisms of their respective political records. The objections urged against Governor Foraker were, first, the third term and the methods by which the nomination was secured. It was claimed by his opponents within the party that the Convention was controlled and manipulated by the Governor's friends and did not represent the sentiment of the Republican party at large. The Governor's efforts to secure a modification in the taxation laws, which would be more equitable to all the people and looking to the payment by every citizen of his just share of taxation, were used against him. Every recommendation that he made in his famous special message of April 6, 1886, in which he favored uniformity of the valuation of real property and a more complete listing of personal property, has since been embodied by legislation in our State policy; but in this campaign appeals were made to the farmers that Governor Foraker's proposed methods would increase their taxes. This had substantial effect in the country.

The most sensational feature of the political canvass was what was known as the "ballot box forgery." On the evening of September 28th Governor Foraker made a speech at Music Hall, Cincinnati, in which he arraigned Mr. Campbell for having introduced in Congress a bill authorizing the purchase of the Wood

and Hall ballot box, and exhibited one of the boxes. On October 4th there was published in the *Cincinnati Commercial Gazette* a *fac simile* of a contract which purported to be signed by Mr. Campbell for a three-twentieths interest in the ballot box which he was supposed to be trying to have adopted by Congress. This publication, involving directly Mr. Campbell's integrity, as a public official, created an intense sensation throughout the State. Mr. Campbell promptly pronounced his signature to the contract published as a forgery, and denied completely that he had any improper interest, directly or indirectly, and directed his attorneys to bring suit against the *Commercial Gazette* unless it unequivocally retracted its charges. Mr. Campbell submitted to Murat Halstead, its editor, evidence that satisfied him (Halstead) that the contract was fraudulent and a forgery. Thereupon Mr. Halstead, in his paper of October 11th, over his own name, stated that from evidence submitted to him he was satisfied that Mr. Campbell's signature to the paper was a forgery. Subsequent investigation showed this to be correct. It appears that one R. G. Wood, who was the patentee of the ballot box in question, was desirous of procuring a political position at Cincinnati and was anxious to secure Governor Foraker's influence to that end. He felt it incumbent upon himself, therefore, to do something that would aid in the Governor's election. Thereupon, with the assistance of some younger men innocent of his purpose, he concocted this contract and deliberately forged the signature of Mr. Campbell, and in addition thereto were attached to the false document the names of William

JAMES E. CAMPBELL

Born in Middletown, Ohio, July 7, 1843; served in the United States navy from 1863 to 1865; admitted to the bar, 1865, and practiced in Hamilton; Prosecuting Attorney of Butler county, 1876-80; member of the forty-eighth, forty-ninth and fiftieth congresses; Governor, 1890-92; resides in Columbus.



supposed to be trying to have adopted by (

a forgery, and denied completely that he had any

his attorneys to bring suit against the *Comm*
Gazette unless it unequivocally retracted its charges

evidence that satisfied him (Halstead) that the c
tract was fraudulent and a forgery. Thereupon Mr
Halstead, in his paper of October 11th, over his

was satisfied that Mr. Campbell's signature to

this to be correct. It appears that one R. G. Wo

desirous of procuring a political position at Cincir
and was anxious to secure Governor Foraker's influe

therefore, to do something that would aid in the
ernor's election. Thereupon, with the assistance
some younger men innocent of his purpose, he co
cocted this contract and deliberately forged the sig
tures of Mr. Campbell and [illegible]
attached to the false document the names of Willi

James E. Campbell

McKinley, Jr., Justin R. Whiting, B. Butterworth, John Sherman, S. S. Cox, W. C. P. Breckinridge, William McAdoo, John R. McPherson and F. B. Stockbridge. All were forgeries, being tracings of their signatures obtained from franks used in mailing their congressional literature. This paper in the height of the canvass was given to Governor Foraker by Wood. Bearing every evidence of genuineness, the Governor was startled at the information it contained, and declined to use it, nor did he refer to it at any time in the canvass. He showed the paper to Murat Halstead, who insisted that he would make use of it on his own responsibility, expressing the view that as Mr. Campbell was the only man on the paper who was then a candidate before the people, it was a public duty to keep such a man from being Governor of the State. With this idea the forgery was published. That it had some effect on the election there is no doubt. It at least served to give Mr. Campbell additional strength and confidence before the people and to hold the support of his own party. On December 12, 1889, the National House of Representatives ordered, by resolution, an investigation of the ballot box contract, and after a most complete examination and cross-examination of witnesses the committee unanimously reported in exonerating both Governor Foraker and Murat Halstead from any improper motives in the publication of the forgery, and found that they were deceived by Wood through his adroit manufacture of the signatures. The committee further found that none of the persons whose names appeared on the alleged contract had any interest, directly or indirectly, improper, corrupt or unlawful,

or any other connection with or interest in the ballot box in controversy. Thus ended an incident that for a time created great commotion in the politics of Ohio and added more sensationalism to the campaign, rather than any material effect in its result. The promptness with which the forgery was repudiated and the charges retracted by the *Commercial Gazette* destroyed much of its evil effects at the polls.

At the election Governor Foraker was defeated, James E. Campbell's plurality being 10,872. The fact that the campaign was deeply interesting, that both candidates were brilliant stumpers, that Foraker was made an especial target also from a National standpoint, brought out a very large vote, both parties polling a much larger vote than was cast in the gubernatorial campaign of 1887.

The Legislature chosen at this election was Democratic in both branches; the Senate containing 19 Democrats to 17 Republicans and the House 64 Democrats to 50 Republicans. On January 13, 1890, James E. Campbell was inaugurated Governor of Ohio. He entered the office possessing in a great degree the confidence of the people of his State. He had established himself as the leader of his party in a campaign against one of the most brilliant Republicans of the country. He came out of the conflict with his honor untarnished, his ability as a debater well established and his leadership undisputed. In his inaugural address he took a firm stand for ballot reform, and to him is entitled the credit of having first urged and insisted upon the adoption of the Australian ballot in Ohio. His inaugural address treated

the subject in full, earnestly arguing for its adoption and setting forth numerous reasons for its success. Another subject that he dealt with in no uncertain tone was the matter of municipal government, and, as we shall see later on, engaged with his party in severe difference and conflict on this subject. On January 14th the two Houses of the General Assembly balloted separately for United States Senator, and on the succeeding day met in joint convention and elected Calvin S. Brice to that office.

Responsive to Governor Campbell's suggestions and due largely to his instrumentality, a new ballot law embodying the Australian system was passed. It was the first law of this kind passed in Ohio that conferred opportunity for independence in the voter and secrecy in the ballot, and was the beginning of a series of legislative ballot reforms that have done much to dignify elections and preserve the independence of the voter.

The most important event of Governor Campbell's Administration was the extraordinary session of the General Assembly called by him and assembled on October 14, 1890, to consider the municipal affairs of the city of Cincinnati. On that day, when both Houses had convened, a special message was received from the Governor in which he stated the object of the session, saying that it was called "on account of the deplorable condition of public affairs in the city of Cincinnati, which, it is believed, can be partially remedied by enabling the people of that city to choose certain important boards at the approaching November election." The message then proceeded to set forth that at the regular session of the General Assembly

the law providing for the creation of a Board of Public Improvements and the decennial board of equalization had omitted to provide that the people should choose those bodies. The Governor asked the General Assembly to abolish the existing boards on the ground that they were corrupt and dishonest and remit the choice of their successors to the people of Cincinnati. In compliance with the suggestion of the message, the Senate, on October 16th, by a vote of 19 to 17, passed a bill providing for an election in April, 1891, of a Board of Public Improvements for Cincinnati and giving the Governor power to remove in the meantime any member of the existing board, "for any reason that may to him seem sufficient." A resolution was adopted providing for a joint committee of investigation into the municipal government of Cincinnati. The bill failed to pass in the House. On October 20th the Governor sent another message to the General Assembly, saying that, as it had failed to accomplish the purpose for which it was called, "some further suggestions are in order." In this he stated that inasmuch as there would not be sufficient time to prepare for an election in November, as was originally contemplated, he therefore recommended that a non-partisan board of improvements be created, to be appointed by the mayor. In his message he urged the Legislature as follows: "Do not swerve a hair's breadth from your purpose to wipe out the board and eventually submit the whole question to the people. From this time on any and all propositions, other than this, are made for partisan advantage only. There is no middle ground. To delay longer is confession of incapacity. To refuse

the passage of the bill is a confession of infidelity." Responding to this, a bill was introduced "to create and establish an efficient board of city affairs in the cities of the first grade of the first class." This abolished the existing Board of Improvements and gave to the mayor the appointment of the new board until the spring election in April, 1891, when it was to be elected by the people. In this form the bill became a law. This extraordinary session closed October 24th. It was the cause of a breach between Governor Campbell and the active politicians of his party in Hamilton county, but he maintained his stand from the first in favor of good government and upright officials and won a great victory for civic decency in securing the legislation designated. The sequence, however, proved unfortunate for the success of the law. The Supreme Court, subsequently, in 1891, decided the law unconstitutional on the ground that it was special legislation. The general effect, however, of Governor Campbell's fight for decent government in Cincinnati against his own appointees strengthened him with his party, notwithstanding that the quarrel was between himself and members of his own political organization. The public credited Governor Campbell with upright purposes and believed his charges of corruption, and, while the campaign of 1890 was comparatively mild and without excitement, the vote was much larger than customary in an "off year." This was due to the fact that the canvass was made largely upon National issues. The passage of what was known as the "McKinley Tariff Bill," which became a law on October 1st and had been introduced on April

14th the spring before, was a subject of National debate in and out of Congress. The Republicans of course heartily endorsed it in their State platform and the Democrats as strenuously denounced it; on this question the Ohio canvass of 1890 was almost wholly fought.

This year witnessed the inauguration in Ohio of a legal warfare against the Standard Oil Company, which proved the precedent and incentive for a long course of fierce litigation concerning that corporation. The Attorney-General, David K. Watson, on May 8, 1890, filed a proceeding in *quo warranto* in the Supreme Court of Ohio against the Standard Oil Company, asking the court to adjudge the corporate powers, franchises and privileges forfeited, and that it be dissolved. The specific ground for this action was that the stockholders of the Standard Oil Company, as well as the company itself, had formed a trust by entering into an agreement to transfer and did transfer 34,993 shares out of 35,000 to the trustees of the Standard Oil Trust. This, the Attorney-General contended, was sufficient ground for the ousting of the corporation from its powers and franchises, and for a winding up and dissolution. The Supreme Court, however, refused (State *ex rel.* Attorney-General, *vs.* Standard Oil Company, 49 Ohio State Reports, p. 137) to forfeit the charter of the corporation, but gave a judgment ousting it from the right to become or remain a party to the trust agreement.

The litigation attracted great attention throughout the country, as it was the first formidable attack made upon the Standard Oil Trust by any State through its Attorney-General.

The centennial anniversary of the settlement of Gallipolis, October 19, 1790, was celebrated by proceedings principally oratorical at the ancient "City of the Gauls" on October 16, 17, 18 and 19, 1890. The addresses delivered on this occasion were purely historical and dwelt mostly on the unfortunate attempt to make a permanent French settlement on the Ohio river. Governor Campbell presided on the first day and delivered an address appropriate to the event. Subsequently addresses were made by David K. Watson, Attorney-General, on "The Early Bar of the Ohio Valley," Colonel John L. Vance, on "The French Settlement and Settlers of Gallipolis," Daniel J. Ryan, Secretary of State, on "The Scioto Company and the French Grant," and Dr. Washington Gladden on "Migrations and Their Lessons."

An important and very interesting item of the State's progress for the decade ending 1890 may be found in the decennial valuation of the real property in the State made this year by the local assessors. After revision by the county boards of equalization the returns were passed upon in 1891 by the State Board of Equalization. These returns from the various counties showed on an average a considerable falling off in the value of farm lands as compared with the figures of the preceding decennial valuation. Complaint was made to the State board that the local valuations had been too high. This board in revising the returns heeded those complaints and transferred a considerable percentage of the total from farm to urban property. In 1880 the total valuation of real property in the State was $1,097,509,830.00, of which $684,826,516.00 was re-

turned as farm property and $412,683,314.00 as real property in cities, towns and villages. This left the valuation of 1890 as fixed by the State Board of Equalization in 1891 of the total amount of real property at $1,144,033,563.00 of which $576,183,975.00 was farm property and $567,849,588.00 was real property in cities, towns and villages. In 1880 the farm property formed 62 per cent of the total, while in 1890 it had fallen to 50 per cent. There had been, according to the returns of the two periods, a depreciation in farm property of 12 per cent. These valuations, it must be understood, were for taxation only. At the time of which we write, notwithstanding that the Constitution required that all property should be taxed at its true value in money, the custom was to place the taxation value at about 60 per cent of its selling value. The total area of farm lands returned in 1890 was 25,319,698 acres, and the average taxable value was $22.76 per acre.

In the spring of 1891 the attention of the Republican leaders of the State was directed to the necessity of securing a strong candidate for Governor. Governor Campbell had fortified himself in the estimation of the people by an Administration that was patriotic and honorable, by his vigorous fight against corruption in Cincinnati and by his furtherance of the passage of the ballot reform law. All conceded that he was an exceedingly strong candidate for reëlection. By common consent of all factions in the Republican party Major William McKinley, Jr., Congressman from the Canton district, was agreed upon as the candidate and was accordingly nominated at the State

Convention held June 16th. Former Governor Foraker presented Major McKinley's name to the Convention, and with unanimity he was declared the nominee. The candidate for Governor had had a long and conspicuous career in Congress, and had directed the efforts of his public life to the promotion of the policy of a protective tariff until he became in the eyes of the country the embodiment of that doctrine. He was the author of the famous "McKinley Bill," which had given him more than a National reputation, and as an American policy it was founded upon the fundamental doctrine of the Republican party. It had been the issue in the former campaign and was still opposed by the Democratic party. The nomination of its author and the adoption of its principles gave the canvass of 1891 in Ohio a distinctly National cast. Governor Campbell was heartily in line with his party in its opposition to the protective tariff, advocating a tariff for revenue only. He also stood upon the declaration of free and unlimited coinage of silver as promulgated by the Democratic platform of this year. The candidates, therefore, found themselves representing diverse issues upon which there could be no compromise or equivocation, Governor Campbell standing for tariff for revenue and free silver and Major McKinley opposing both. The campaign was devoid of all personalities and the discussion was confined to the high plane of principles. At one time during the canvass, October 8th, the nominees met in joint debate on the silver and tariff questions at Ada, Hardin county. To an immense audience they presented their views, and both were received with great cordiality. The

friends of each claimed for their leader a victory, but the result and the judgment must be left where all joint debates leave them—to the opinion of the general public, which is always divided on those subjects.

The metal schedule of the McKinley Law was made a special object of attack in this campaign. Major McKinley in his bill had provided for a protective tariff on tin plate so high as to induce the development of that industry in this country. It had been demonstrated years before that tin plate could be manufactured in the United States as successfully as it could in England or Wales. It was, therefore, not regarded as an experimental move. In his argument on this subject Mr. McKinley stated that we had already demonstrated our ability to make tin plate in this country and that in 1873 there were two factories going. When they started tin plate was worth $12 a box, and as soon as the Welsh manufacturers found out that we proposed to enter the field they put the price down to $4.50 a box. Of course our factories had to close. The price at once began to go up until it reached $10 a box, and again we began, with exactly the same results as before. At that time the duty on tin plate was simply a revenue duty. We were consuming 300,000 tons of tin plate a year, and we were simply paying the manufacturers of a foreign country and a syndicate of middlemen in this country for the privilege of using it.

At the time the McKinley Bill was introduced Americans were importing annually $21,000,000 worth of tin plate. It was McKinley's calculation that we could establish an industry of that nature which would supply

our own market and thus furnish steady employment to at least 24,000 men. With his splendid optimism, he maintained that a protective tariff would give birth to this new industry. It was contended by his opponents that it was impossible to manufacture tin plate in this country which would be equal to the British production. While this discussion was going on and after the McKinley Bill had passed, a few American manufacturers in different portions of the United States started to produce tin plate and laid the foundation, in a modest way, for that industry. At this time there was at Piqua, Ohio, a plant fully equipped and which had commenced, since the McKinley Law went into effect, the manufacture of terne plate—a coarser and different product of tin plate, but coming under the latter general industry. The head of this plant was Colonel J. G. Battelle, a prominent and influential Republican of that city, an intense advocate of the protective tariff, and a friend and counsellor of McKinley.

On September 17th, Major McKinley spoke at Piqua and while there visited the Cincinnati Corrugating Company's shops (Colonel Battelle's concern), to witness the manufacture of the first terne plates produced in Ohio under his legislation. To add to the realism, amidst the cheering workmen and an immense throng, McKinley himself lifted a plate of sheet steel from its bath and exhibited a perfect piece of terne plate. It was of purely American manufacture, the plate was from American sheet steel, rolled from billets of ore mined in Ohio and made at Middleport, Ohio. The pig tin came from the Temescal mines in

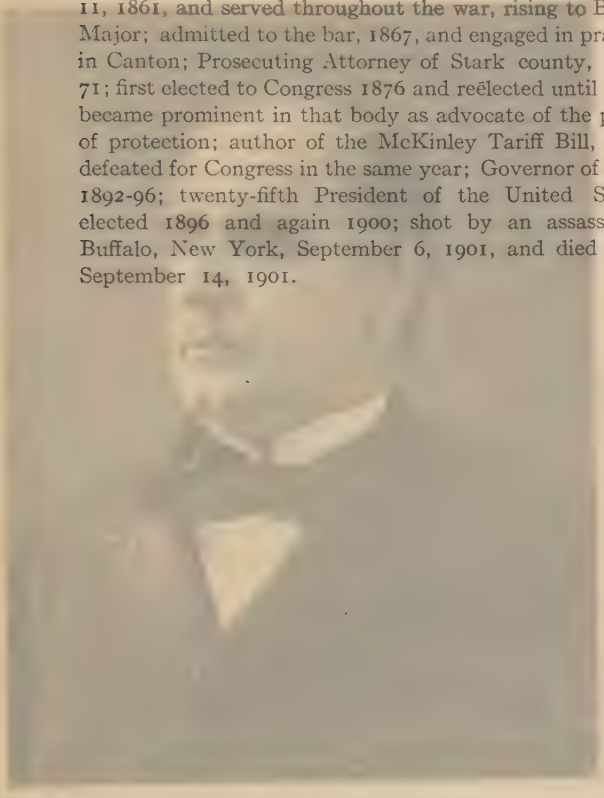
San Bernardino county, California, and the pig lead from Missouri. It was with intense satisfaction that the author of the McKinley Law saw the modest beginning of an immense industry which he, with prophetic eye, felt would follow his legislation. This incident was heralded all over the country and became at once an issue in the Ohio campaign. It was charged by the opponents of the tariff that the whole proceeding was a fake, that it was not tin plate, and they reiterated that the article could not be made in this country. The plate produced on this occasion was a coarser form of tin plate used principally in roofing, but it came under the protective tariff law as did the more highly finished tin plate used for canning and other purposes. That McKinley was not in error in his optimism has been demonstrated by time, and from such humble beginnings as narrated here, there has grown up a gigantic American industry, engaging millions of American capital and employing thousands of American workmen, so that the product of tin plate and terne plate in the United States for 1910 amounted to 723,770 gross tons.

A peculiarity of the election returns grew out of the form of the Australian ballot which had been provided for by law at the last session of the General Assembly. Many voters supposed that by voting for Governor they voted for all the balance of their party ticket. The result showed that the head of the ticket received nearly 30,000 more votes than the balance of the State ticket. This mistake was made by 12,500 Republicans and 17,500 Democrats. The elec-

WILLIAM McKINLEY

From a painting by Albert C. Fauley in the Capitol in Columbus.

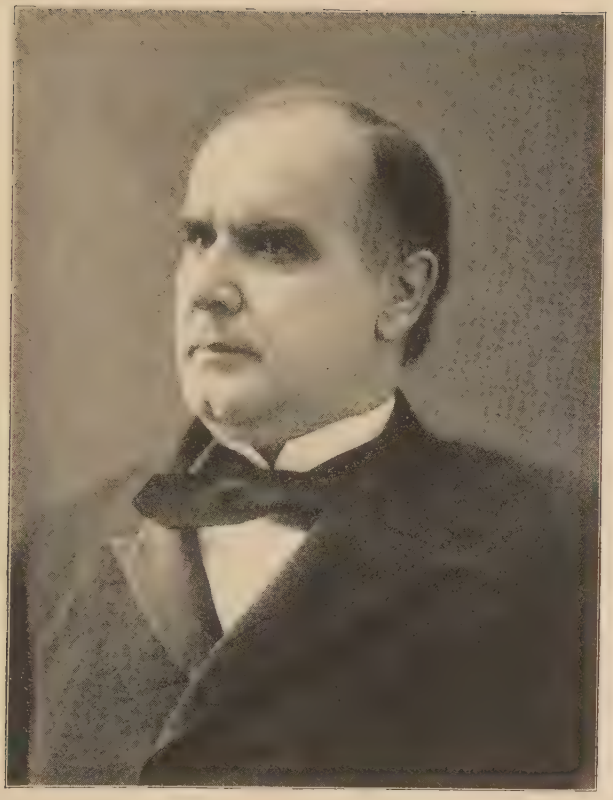
Born in Niles, Trumbull county, Ohio, January 29, 1843; enlisted in the Twenty-Third Ohio Infantry, June 11, 1861, and served throughout the war, rising to Brevet Major; admitted to the bar, 1867, and engaged in practice in Canton; Prosecuting Attorney of Stark county, 1869-71; first elected to Congress 1876 and reëlected until 1890; became prominent in that body as advocate of the policy of protection; author of the McKinley Tariff Bill, 1890; defeated for Congress in the same year; Governor of Ohio, 1892-96; twenty-fifth President of the United States, elected 1896 and again 1900; shot by an assassin at Buffalo, New York, September 6, 1901, and died there September 14, 1901.



WILLIAM McKINLEY

From a painting by Albert C. Paxley in the Capitol in Columbus.

Born in Niles, Trumbull county, Ohio, January 29, 1843; enlisted in the Twenty-Third Ohio Infantry, June 11, 1861, and served throughout the war, rising to Brevet Major; admitted to the bar, 1867, and engaged in practice in Canton; Prosecuting Attorney of Stark county, 1869-71; first elected to Congress 1876 and reelected until 1890; became prominent in that body as advocate of the policy of protection; author of the McKinley Tariff Bill, 1890; defeated for Congress in the same year; Governor of Ohio, 1892-96; twenty-fifth President of the United States, elected 1896 and again 1900; shot by an assassin at Buffalo, New York, September 6, 1901, and died there September 14, 1901.



tion returns showed McKinley's plurality over his opponent to be 21,511 and that the General Assembly was overwhelmingly Republican.

William McKinley on January 11, 1892, became Governor of Ohio after practically twenty years' service in National affairs. His inaugural address was a plain, business-like document, standing rather for the things that were established in State affairs than for any changes, and suggesting nothing positive. The most important act of the General Assembly of this year was the election of a United States Senator to succeed Senator Sherman, whose term expired in 1893. The contest for the Republican nomination was between Senator Sherman and former Governor Joseph B. Foraker and resulted in the election of Mr. Sherman to the United States Senate for the sixth time. During Governor McKinley's first term, State affairs moved smoothly and he was not called upon to take an active position on any public question or situation, but in his second term, to which he had been elected in 1893 over the Democratic candidate, Lawrence T. Neal, of Chillicothe, he was confronted with many conditions that required good judgment and executive force. It is to the credit of McKinley that, with all of his natural gentleness and love of peace, he solved the problems that faced him as a courageous Executive should. At no time since the Civil War has an Ohio Governor been called upon to meet so many demands upon his executive power. During 1894, the first year of his second term, no less than fifteen calls were made upon the State government for military aid in upholding peace and order. In

the month of June of this year a strike, which involved every mining district in Ohio, was the occasion of much disturbance among the turbulent and disorderly. Attempts were made to stop trains of coal-carrying roads and otherwise interfere with the property rights of corporations, as well as of those not engaged in the strike. To suppress this disorder a call was made upon the State for help, and the Governor ordered out several regiments of the Ohio National Guard until finally there were 3,600 men on duty. For sixteen days the strong arm of the State was held suspended over those who undertook to violate her laws.

Another outbreak which required the presence of the militia was at Washington C. H. in October, 1894. There was an uprising among the people of that town over the commission of a heinous crime. The criminal was apprehended in Delaware county and brought to Washington C. H. for trial. Troops were called for when the prisoner was brought back to Fayette county. He was indicted, tried, convicted and sentenced, and received the full limit of the law, but the spirit of the mob insisted upon lynching the prisoner. In the conflict with the militia which followed, three people were killed. This resulted in a court of inquiry instituted to investigate the conduct of Colonel Alonzo B. Coit, who was in command of the military. The court of inquiry exonerated him. Governor McKinley approved the finding of the court in unequivocal language, as follows:

"The law was upheld as it should have been, and, as I believe, it always will be in Ohio—but in this case at fearful cost. Much as the destruction of life which

took place is deplored by all good citizens, and much as we sympathize with those who suffered in this most unfortunate affair, surely no friend of law and order can justly condemn the National Guard, under command of Colonel Coit, for having performed its duty fearlessly and faithfully, and in the face of great danger, for the peace and dignity and honor of the State.

"Lynching cannot be tolerated in Ohio. The law of the State must be supreme over all, and the agents of the law, acting within the law, must be sustained."

In October, 1895, the Governor was again called upon to defend the law. An attempt was made to lynch a prisoner who was in the custody of the sheriff of Seneca county. This officer appealed to the Governor for help, and promptly four companies of militia were dispatched to the scene of violence, and all attempts at interference with the operation of the law were suppressed.

As swift as Governor McKinley was to respond with the militia, he was equally so in tendering help to those in distress. In January, 1895, destitution prevailed among the miners and their families in the Hocking valley. The unfortunate people were at a loss as to how to secure the necessaries of life, and in their despair they appointed a committee to wait upon the Governor. The next day he took prompt steps for relief. He dispatched messengers to the proprietors of different groceries in the city of Columbus, a transfer company, and the officials of the Hocking Valley Railroad, and within a few hours a car load of provisions was on its way to Nelsonville to be distributed to the hungry. The Governor not only purchased the supplies but

assumed the payment for the same. Famine and distress continuing and the Governor being advised that 1,763 miners were out of work and unable to procure food, he appointed committees in the different centers of the mining population. At Corning, Rendville, Jacksonville, Shawnee and Lathrop committees were designated to receive and distribute supplies. On February 19th, he addressed communications to the boards of trade and chambers of commerce in the cities of Cincinnati, Columbus, Cleveland and Toledo, requesting that relief work be inaugurated at those points. Upon the final closing of this philanthropic movement, the report of the committee showed, on February 27th, that 2,722 miners out of employment, representing a population of at least 10,000, had been cared for and made comfortable at an expenditure of $31,785.05.

As a result of a law passed in 1894, granting women the right to vote for school officers and sit on school boards, many registered and voted in some of the municipalities of the State, and some were elected to school boards. This was the first step taken towards woman suffrage in Ohio. The law was declared to be constitutional by the circuit court of Franklin county and subsequently by the Supreme Court, on the ground that the whole subject of the public schools is relegated to the General Assembly.

The Republican State Convention, which met at Zanesville, May 28, 1895, nominated for Governor Asa S. Bushnell, of Springfield, one of the leading and wealthiest manufacturers of the State and in every way a high type of the successful American business

man. He had always been more or less interested in politics and was especially regarded as a close personal friend of former Governor Foraker, and it was generally regarded as a significant fact reminiscent of factional differences that he was opposed by the friends of Governor McKinley, who favored George K. Nash, of Columbus. The Democrats nominated former Governor James E. Campbell. The Cleveland Administration was unpopular, and, notwithstanding that Governor Campbell made a spirited campaign, he went down to defeat under a plurality of 92,622. The Legislature was overwhelmingly Republican. In the Senate there were 30 Republicans, 6 Democrats and 1 Populist; in the House there were 87 Republicans and 25 Democrats. On January 14, 1896, former Governor Joseph B. Foraker was elected to the United States Senate for the term beginning March 4, 1897, as the successor of Calvin S. Brice. Thus he entered upon a National career that was to be no less brilliant than that in his native State.

The day before Foraker's election to the Senate, Governor McKinley passed out of office into private life. In his last annual message to the Legislature he reviewed the legislation of his Administration relative to taxation, and an examination of it shows that to him is due much of the advancement in that direction. Under his Administration there was an increase in the sphere of corporation tax, including taxes on foreign corporations, foreign insurance companies, express companies, telegraph and telephone companies, all of which materially increased the revenue of the State. He had left behind him a record for excellent service.

Asa S. Bushnell was inaugurated as Governor, January 13, 1896. Through his recommendation various important acts were passed by the General Assembly. The Dow tax upon the traffic in intoxicating liquors was increased from $250 to $350 yearly. In addition he was responsible for the following important acts: providing for the State Board of Medical Registration; providing for taxing electric light, gas, natural gas, pipeline, waterworks, street railroad, railroad and messenger companies; providing for the taxation of freight-line and equipment companies; providing for electrocution in the execution of the death sentence; providing for the registration of land titles in Ohio; providing for the prevention of corrupt practices at election and regulating the permissible expenditures of candidates.

While William McKinley was Governor of Ohio he was an active candidate for the presidency, and early in 1895 a campaign to that end was begun by his friends in Ohio. The Republican State Convention, which met March 10th, was presided over by Senator-elect Foraker, who, in his opening speech, spoke of the signal services that Governor McKinley had rendered his party and urged his support by the Republicans of Ohio for the presidency. On that day the State Convention adopted a resolution instructing the Republican delegates-at-large to vote for William McKinley for President at the Republican National Convention to be held at St. Louis the following June. On the same day the Republicans of Kansas in State Convention announced that they would support William McKinley at the National Convention for President.

Thus Ohio and Kansas on the same day gave their support to the former Governor of Ohio. To the National Convention Senator-elect Foraker presented McKinley, and on the first ballot McKinley was nominated. The national character of this and subsequent events precludes further consideration here.

Governor Bushnell was renominated at the Republican State Convention held at Toledo, June 23, 1897, and was reëlected over Horace L. Chapman, the Democratic candidate, by a plurality of 28,165. Unlike his first term, the second engaged the best ability of the Governor. His activities and success in the Spanish-American war will stamp his Administration as one of the most successful in the history of the State. This event and the details connected therewith are of sufficient importance to be treated at length in a subsequent chapter.

Early in June the Governor was appealed to, to sustain the law in a notorious lynching case at Urbana. A terrible crime had been committed by a negro by the name of Charles Mitchell, who had been arrested, identified by his victim and taken to jail. Excitement became so great that the prisoner was hurried into the courthouse, where he pleaded guilty, and was sentenced to the penitentiary for life, being the highest penalty for the crime committed. Before he could be taken to the penitentiary, a mob surrounded the jail, which was guarded on the inside by an Urbana company of the Ohio National Guard. Shortly before 3 o'clock in the morning of June 4th the mob began battering in the door of the jail. The militia inside fired from the windows and the door upon the crowd ouside, and two

men were killed and ten wounded by the volley. A military company, which had been sent from Springfield by order of Governor Bushnell, now arrived on the scene, and some one, assuming to act for the sheriff, ordered the Springfield troops to return to the train, which they did. The Urbana company stacked their arms and promised not to fire again. At 7:45 A. M. the mob returned to the jail, broke in the door, secured the keys to Mitchell's cell, put a rope around the negro's neck, and dragged him across the courthouse yard, the mob kicking and beating him all the way. He was then strung up to a tree and left to die. The affair created intense indignation throughout the State, except in the neighborhood of Urbana, where it was directed against the troops for firing upon the crowd and against the sheriff for calling out the troops. Governor Bushnell directed an inquiry into the responsibility for the management of the troops, and urged upon the local authorities that the lynchers be brought to punishment, but nothing was done. No indictments were brought by the Champaign county grand jury, either against the lynchers of Mitchell or the soldiers.

Passing for the time the minor events of Governor Bushnell's Administration, we come to the narrative of its greatest work. For the fourth time, Ohio was called upon to furnish its share of men and money in a National war. This emergency gave Governor Bushnell conspicuous responsibility, which he met with great capacity and patriotism.

Chapter XV.

OHIO IN THE SPANISH-AMERICAN WAR

THE Administration of President McKinley was from the beginning very seriously concerned with the situation in the Island of Cuba, where since February, 1895, a war for independence had been raging. In the presidential campaign of 1896, both the great parties of the United States had incorporated in their platforms expressions favorable to the Cuban cause, with intimations of independence as the logical conclusion. It was not, however, the policy of President Cleveland to force a critical issue with Spain. Events at that time had not matured, and the commitment of our Government to so grave a responsibility by an Administration soon to expire was not expedient. Nevertheless efforts had been initiated to procure an honorable adjustment of the contest through the mediation of the United States, with a view to self-government by Cuba under Spanish sovereignty. But these offers of President Cleveland had been vigorously repelled by the Spanish government, which insisted that there could be no accommodation of the matter other than the unconditional submission of the insurgents.

The probable program of the new Administration was well indicated by the decisive declaration of the platform on which Mr. McKinley was elected: "The government of Spain, having lost control of Cuba and being unable to protect the property or lives of resident American citizens, or to comply with its treaty obligations, we believe that the government of the United States should actively use its influence and good offices to restore peace and give independence to the Island." This proved indeed the literal definition of

our governmental attitude and policy respecting Cuba from the time of the inauguration of President McKinley until exercise of mere "good offices" was superseded by armed intervention.

The first disclosure of the intended course of the United States was made in September, 1897, when the newly appointed American minister to Spain, General Stewart L. Woodford, arrived in Madrid and presented a diplomatic note which very politely but expressly signified determination to have permanent peace in Cuba, but refrained from stipulating the specific remedies. From this and subsequent communications there resulted certain seeming concessions to American opinion and demand—notably the recall of Governor General Weyler, whose "reconcentration" system and generally inhumane measures had excited profound indignation; the recall of the Spanish minister to Washington, de Lome, for a published letter criticizing President McKinley; and finally, the institution of a so-styled autonomous government in Cuba. This, however, was a pure makeshift, with no real coöperation from the native population.

The destruction by explosion (since shown to have been due to an external agency) of the United States battleship "Maine" in the harbor of Havana, February 15, 1898, greatly intensified popular feeling. Meantime the situation in Cuba had in no manner improved, it was evident that the hostility of the Island to the mother country was irreconcilable, and Spain on her part was as obstinate and resolute as ever in refusing to consider any other solution than the abject submission of the Cubans.

The final developments date from the President's special message to Congress, April 11, 1898, a state paper of extraordinary ability and interest. After reciting the history of the Cuban situation, reviewing its important features, and commenting on the different solutions proposed, Mr. McKinley committed the whole subject to Congress, requesting authorization and empowerment "to secure a full and final termination of hostilities between the government of Spain and the people of Cuba, to secure in the Island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and the tranquillity of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes." Resolutions were accordingly passed, April 18th, declaring the independence of Cuba and giving the President the desired authority and power. This resolution received executive approval April 20th, and on that day the Spanish-American War officially began, though there was no formal declaration of hostilities.

A proclamation was issued by the President April 23d, for volunteers to the aggregate number of 125,000, to be apportioned as far as practicable among the states and territories according to population, and to serve for two years unless sooner discharged. This was supplemented by a call on the 25th of May for volunteers to fill companies in the field to the maximum strength under the law. National camps for the reception and drill of the soldiers were established at Chickamauga Park (Camp Thomas); Tampa, Florida; Jacksonville, Florida (Camp Cuba Libre); Dun Land-

ing, near Falls Church, Virginia (Camp Alger); Middletown, Pennsylvania (Camp Meade); Huntsville, Alabama (Camp Wheeler); Lexington, Kentucky (Camp Hamilton); Knoxville, Tennessee (Camp Poland); and other places.

Ohio's part in the war was characterized by great promptitude in the organization and dispatch of her quota and marked efficiency on the part of those responsibly concerned. There was also apparent a superiority of discipline and general fitness in the men together with a prevailing spirit of enthusiasm for the cause throughout the State. Immediately upon receipt of the first presidential call, April 25, Governor Asa S. Bushnell issued orders for the mobilization of the various military organizations, and these were soon assembled at a specially improvised rendezvous which was christened "Camp Bushnell," near Columbus. The command devolved upon Major General Henry A. Axline, who at that time occupied the office of Adjutant General.

"So expeditious was the work of getting Ohio's quota ready for service," says Governor Bushnell in his annual message of 1900, "that but a comparatively short time elapsed in camp life at the rendezvous. The entire mustering was completed in eight days. Ohio was the first State in the Union to put a volunteer regiment in the field. The First Ohio Cavalry was the first organization to leave the rendezvous, it proceeding on the 14th of May, 1898, to Camp George H. Thomas, Chickamauga Park, Georgia. It was followed by the Fourth Ohio Volunteer Infantry, formerly the Fourteenth Ohio National Guard, on the same day. These organi-

ASA SMITH BUSHNELL

Born in Rome, New York, September 16, 1834, and came to Ohio in 1845; received a common school education and engaged in business pursuits in Springfield, where he became a highly successful manufacturer; during the Civil War commanded a company in the One Hundred and Fifty-Second Volunteer Infantry; Governor of Ohio, 1896-1900; died January 15, 1904.

of Adjutant General.

quota ready for service," says Governor Bushnell

time elapsed in camp life at the rendezvous. The

first State in the Union to put a volunteer regime

the field. The First Ohio Cavalry was the first or

11th of May, 1898, to Camp George H. Thomas, C

orga Park, Georgia. It was followed by the

nio Volunteer Infantry, formerly the Fourte

National Guard, on the same day. These

Asa S. Bushnell

zations were the pioneers of the great volunteer army of the country to appear for duty at a general rendezvous designated by the War Department."

Referring to the popular spirit in support of the war, the Governor says the whole experience "furnished a grand exhibition of the loyalty, patriotism, and strength of our people." "Those who were physically disqualified for service went home with regret. Those who could not get in under the first call by reason of the limitation of numbers were not content, but tried in every conceivable way to be enrolled in the volunteer army. There was no difficulty in obtaining recruits. As a general proposition it may be said that Ohio could have furnished many times the number it did. * * * Applicants and applications for military service were received by hundreds and by thousands, the women who desired to go to the front as nurses being as marked in their insistence of patriotic endeavor as the men."

On March 31, 1898, the consolidated strength of the National Guard of Ohio was 501 officers and 6,361 enlisted men, these figures including all the eight regiments of infantry, one battalion of infantry, eight batteries of artillery, one troop of cavalry and the naval brigade. This entire force (excepting eliminations for physical reasons, etc.) was incorporated into the National Volunteer Army and was much enlarged by necessary increases to meet the prescribed numerical standard for the component organizations. Under the first call Ohio furnished 428 officers and 8,052 enlisted men, under the second call 73 officers and 6,801 enlisted men, making a total of 15,354.

Owing to the brevity of the war and the great excess of volunteer forces above the nation's requirements, only three of the Ohio regiments saw service in a foreign land. The Fourth Ohio Volunteer Infantry, under Colonel Alonzo B. Coit, received its baptism of fire at the Barrio de Las Palmas, near Guayama in Porto Rico. Five of the command were wounded. The whole division under General Brooks then advanced to attack the Spanish position at Cayey. Just as a battery of the Fourth Artillery, under Captain R. H. Anderson, of Ohio, had opened fire, a mounted orderly brought a dispatch announcing the peace protocol.

The Sixth Ohio Volunteer Infantry, commanded by Colonel William V. McMaken, was dispatched to the district of Santa Clara, Cuba, arriving after the declaration of peace. The Eighth Ohio Volunteer Infantry, under Colonel Curtis V. Hard, reached Santiago just too late to take part in the siege, subsequently performing duty at various places in eastern Cuba until its return to Montauk Point, Long Island, in a greatly enfeebled condition owing to disease. The total number of deaths in Ohio volunteer organizations, as reported in Governor Bushnell's message of 1900, was seven officers and two hundred and twenty-three enlisted men.

The General Assembly of Ohio authorized the expenditure of a million dollars for the war, but the total outlay was only $472,361.56, from which is to be deducted the sum of $411,124.18, charged to the United States Government. "After receiving from the Government proper return of quartermasters' stores taken during the war," said Governor Bushnell, "Ohio

will practically have expended no money for military purposes. Indeed, it is warrantable to declare that the State will be a gainer."

When Ohio's war accounts were audited at Washington it was remarked with some curiosity that the prices charged for many articles of equipment were singularly low when compared with those paid by other states and even by the Government. This was explained by the exceptional preparedness of Ohio for the situation. Some time before the rupture of diplomatic relations, the authorities of Ohio, convinced that the drift was toward war, decided to put its military establishment upon such a footing as would meet any emergency, and Adjutant General Axline, being aforetime in the purchase of equipment, had the advantage of the normal prevailing prices of times of peace. This anticipatory measure was of course without legislative authority or appropriation. It was purely the arbitrary exercise of executive power; and it is worthy of record that Governor Bushnell in this action gave his personal guarantee for the discharge of all financial obligations in connection with the timely purchases.

As no comprehensive account has been published of Ohio's part in the Spanish-American war, it is fitting here to embody a summary of the more noteworthy details relating to the participating volunteer organizations, from data supplied by the Government and State officials.

First Ohio Volunteer Infantry: Headquarters at Cincinnati. Organized as First Regiment, Ohio National Guard, June 21, 1875; as First Regiment, Ohio Volunteer Infantry, April 25, 1898. Mustered in for war

William V. McMaken during war operations. Stationed during war: (1) Chickamauga, Ga.; (2) Knoxville, Tenn.; (3) Charleston, S. C.; (4) Cuba. Casualties during campaign, death of twenty-one men. Mustered out at Augusta, Ga., May 12, 1899.

Seventh Ohio Volunteer Infantry: Headquarters at Chillicothe. Organized as Seventeenth Regiment, Ohio National Guard, September 14, 1877; as Seventh Regiment, Ohio Volunteer Infantry, April 25, 1898. Mustered in for war with Spain, May 13, 1898. Strength for the war, forty-nine officers, one thousand, three hundred and four enlisted men. Commanded by Colonel Arthur L. Hamilton during war operations. Stationed during war: (1) Camp Alger, Va.; (2) Camp Meade, Pa.; (3) Camp Bushnell, O. Casualties during campaign, death of one officer and seven men. Mustered out at Columbus, November 6, 1898.

Eighth Ohio Volunteer Infantry: Headquarters at Wooster. Organized as Eighth Regiment, Ohio National Guard, February 21, 1877; as Eighth Regiment, Ohio Volunteer Infantry, April 25, 1898. Mustered in for war with Spain, May 13, 1898. Strength for the war, forty-nine officers, one thousand, two hundred and eighty-eight enlisted men. Commanded by Colonel Curtis V. Hard during war operations. Stationed during war: (1) Camp Alger, Va.; (2) Cuba; (3) Montauk Point, Long Island. Casualties during campaign, death of four officers and sixty-eight men. Mustered out at Wooster, November 21, 1898.

Ninth Battalion, Ohio Volunteer Infantry (Colored): Headquarters at Columbus. Organized as Ninth Battalion, Ohio National Guard, July 18, 1881; as Ninth

Battalion, Ohio Volunteer Infantry, April 25, 1898. Mustered in for war with Spain, May 14, 1898. Strength for the war, sixteen officers, four hundred and thirty-one enlisted men. Commanded by Major Charles Young during war operations. Stationed during war: (1) Camp Alger, Va.; (2) Camp Meade, Pa.; (3) Camp Marion, S. C. Casualties during campaign, death of five men. Mustered out at Camp Marion, January 28, 1899.

Tenth Ohio Volunteer Infantry: Organized July 1, 1898. Strength for the war with Spain, forty-six officers, one thousand, two hundred and eighty enlisted men. Commanded during war operations by Colonel Henry A. Axline, who resigned as Adjutant General, being succeeded by Herbert B. Kingsley; after the mustering out of the regiment, Colonel Axline resumed the duties of Adjutant General. Stationed during war: (1) Camp Meade, Pa.; (2) Camp Mackenzie, Ga. Casualties during campaign, death of twenty-three men. Mustered out at Augusta, Ga., March 23, 1899.

First Ohio Volunteer Cavalry: Headquarters of Troop A, Cleveland; Battery B, First Light Artillery (forming part of this organization), Cincinnati. Organized April 25, 1898. Mustered in for war with Spain, May 9, 1898. Strength for the war, thirty-three officers, three hundred and sixteen enlisted men. Commanded by Lieutenant Colonel Matthias W. Day during war operations. Stationed during war: (1) Chickamauga, Ga.; (2) Lakeland, Fla.; (3) Huntsville, Ala. Casualties during campaign, death of eight men. Mustered out at Cleveland, Cincinnati and Columbus in October, 1898.

First Ohio Volunteer Light Artillery: Headquarters at Zanesville. Organized as First Light Artillery, Ohio National Guard, May 6, 1886; as First Light Artillery, Ohio Volunteers, April 25, 1898. Mustered in for war with Spain, May 11, 1898. Strength for the war, twenty officers, seven hundred and seven enlisted men. Commanded by Major Charles T. Atwell during war operations. Stationed during war: (1) Chickamauga, Ga.; (2) Camp Bushnell, O. Casualties during campaign, death of thirteen men. Mustered out at Columbus, October 21, 1898.

From this record it will be seen that Ohio maintained the same fidelity to the Nation that she had established in the War of 1812, the Mexican War and the Civil War. As in those, her citizen soldiers volunteered beyond all requirements to enter the service of their country.

In the regular military forces of the United States, Ohio was also creditably represented. Among the general officers appointed by the President, who were Ohio men, or of Ohio nativity, were Generals Joseph Warren Keifer, Henry W. Lawton, Adna R. Chaffee, Thomas McArthur Anderson, George A. Garretson and Oswald A. Ernst. General Keifer, who had won a major general's commission in the Civil War, was given the same rank, and as such he commanded a division near Havana after the protocol and led the United States troops when they marched into and took possession of the city of Havana after its evacuation by the Spanish army on January 1, 1899.

General Lawton was one of the heroic figures of the war, as well as of the succeeding Philippine War. Born

in Manhattan, Lucas county, Ohio, March 17, 1843, he served with credit in the Civil War and afterward entered the regular army. He was commissioned Brigadier General in May, 1898, commanding the Second Division of the Fifth Army Corps in Cuba, and won the first battle of the war at El Caney. He was promoted to Major General and was in command at Santiago after the surrender. In December, 1898, he was assigned to the command of a corps in the Philippines, where he greatly distinguished himself until killed in battle at San Mateo, Luzon, December 19, 1899. The sum of a hundred thousand dollars was raised by popular subscription and presented to his widow.

General Chaffee led a brigade in the Santiago campaign and was promoted to Major General of Volunteers. His subsequent career was highly distinguished. It was he who had command of the American contingent in the celebrated march to relieve the legations at Pekin, China, during the Boxer uprising. He rose to the position of Chief of Staff of the United States army, being retired at his own request in 1906 after forty years of service.

General Anderson commanded the first expedition to the Philippine Islands, occupied Cavite June 30, 1898, directed the land attack on Manila, and was commander of the First Division of the Eighth Army Corps in the battles of Santana, San Pedro, and Passe Guadalupe in 1899, all of these engagements being with insurrectionists. General Garretson had command of a brigade in the operations of Santiago and in Porto Rico. General Ernst was a Brigade Commander in

Porto Rico. Major General James Franklin Wade, a son of Benjamin F. Wade, was at the head of the Cuban Evacuation Commission in 1898, and was transferred to the Philippines, where he was promoted to the chief military command. William Howard Taft, of Cincinnati, was made the first civil Governor of the Philippine Islands, and served in that capacity from July, 1901, to February, 1904.

The following Ohioans were appointed Brigadier Generals of Volunteers for efficient services in the Spanish-American and Philippine wars: William Sinclair, Michael V. Sheridan (brother of General Philip H. Sheridan), Gilbert S. Carpenter, Jacob H. Smith, Charles C. Hood, Andrew S. Burt, Henry B. Freeman, George M. Randall, Edwin B. Atwood, Jesse C. Chance, Charles W. Miner and Frederick Funston, the captor of Aguinaldo. Of all the Ohio generals mentioned only three were West Point graduates.

The administrative direction of the Spanish-American War was to a remarkable degree shared by Ohioans. First among all others were President William McKinley and his first Secretary of State, John Sherman. Secretary Sherman conducted the diplomatic correspondence and proceedings up to the beginning of hostilities, when he resigned and was succeeded on April 25, 1898, by William R. Day, formerly assistant Secretary of State—also an Ohio man. Mr. Day continued at the head of the State Department throughout the War, negotiated and was the signatory on the behalf of the United States of the peace protocol dated August 12th, and was the first of the five American Peace Commissioners who met in Paris and negotiated and

signed the treaty—one of his colleagues in this historical transaction being Whitelaw Reid, a native and former citizen of Ohio. The place of Mr. Day at the head of the State Department was taken September 30th by John Hay, for some years a citizen of Ohio, who as Minister to England before and during the Spanish-American conflict had contributed greatly to promote our country's interests abroad. President McKinley's Secretary of War, General Russell A. Alger, was of Ohio birth. The man to whom, above all others, credit is to be given for perfecting, organizing and equipping the regular and volunteer forces for field service, was the Adjutant General of the Army, Henry C. Corbin, who was also a citizen of Ohio.

In the Senate the most conspicuous figure in the debates growing out of the war was Senator Joseph B. Foraker. His rank as the first constitutional lawyer of that body was undisputed, and his discussions of the questions and policies pertaining to our new possessions practically guided the party in power. His speech urging the recognition of Cuban independence did much to bring about that event. In his defense of President McKinley's Philippine policy he was regarded as the spokesman of the administration. When the President by message urged Congress to abolish all customs tariff between the United States and Porto Rico, Senator Foraker in response introduced a bill for free trade with that island, and making its inhabitants citizens of the United States with a representative in Congress. The bill was bitterly opposed by parties interested in the sugar trade, but Senator Foraker's argument on its constitutionality convinced

Congress that Porto Rico was neither a state nor a territory, but a dependency, and that Congress had a right to legislate concerning it. The force of Senator Foraker's constitutional argument was afterward recognized by the Supreme Court in the case of *Dooley vs. the United States* (183 U. S. Reports, p. 151). In this case it was decided that the Foraker Act was constitutional and that duties levied on goods from the United States to Porto Rico were illegal and should be refunded. The Court also held that Porto Rico is not an integral part, but a possession, of the United States.

Chapter XVI.

RISE OF MARCUS A. HANNA
THE ADMINISTRATIONS
OF GOVERNORS NASH, HERRICK,
PATTISON, HARRIS AND HARMON

THE administration of Governor Bushnell extended to January, 1900. During his four years of service as Governor the State was but little disturbed by events of an unusual or untoward character. The most serious occurrence of this period was the strike of the employes of the street railways in Cleveland, from June to December, 1899. In the history of the State there have been but few local labor troubles of so long duration or marked by so much bitterness, disorder and public inconvenience. After all the local militia had been called out, State troops were ordered to Cleveland until some twelve hundred soldiers were under arms, in addition to the police and special deputy sheriffs. This put a stop to the violent demonstrations, and the troops were gradually withdrawn. A rigorous boycott was then enforced by the union labor organizations against all who had business relations with the company or rode in its cars. The boycott was continued with great severity, to the hardship and distress of many, until the coming of winter made its enforcement impracticable against the working people who were compelled to use the cars, and by general consent it was abandoned without being formally declared off.

In the political field the administration of Governor Bushnell is memorable for the rise of Marcus A. Hanna to a commanding position in public affairs. As the able and successful manager of McKinley's first campaign for the presidency, Mr. Hanna had powerfully impressed his personality upon the Republican party of the State, and his advance to a situation of substantial dignity in his own right depended, apparently,

only upon his personal activity to that end and a commensurate opportunity. The personal activity was not wanting, and the opportunity soon arrived. In March, 1897, John Sherman resigned as United States Senator from Ohio to accept the office of Secretary of State in President McKinley's cabinet. As the legislature was not at that time in session, the appointment of a successor to Mr. Sherman devolved upon the Governor, who, after some consideration, designated Mr. Hanna for the place. If Governor Bushnell had consulted his private preference or prejudice, or had confined his selection to that faction of his party which had always enjoyed the enmity of Mr. Hanna, he would have appointed as United States Senator some other person; but, recognizing the "logic of the situation"—that Mr. Hanna in a large degree had won the honor, and that his promotion was expected by the Republicans of the country at large,—he made the selection upon considerations entirely aside from his personal inclination and gave the office to one politically unfriendly to him and not personally his choice. In his prior and subsequent political relations the Governor was never regarded as a special supporter of Senator Hanna, and his whole preference as to leadership was given to Senator Foraker.

The entrance of Mr. Hanna into national politics was the climax of a very remarkable career. His lifetime was spent in business. He had paid little attention to public affairs until 1880. He was well known to State convention-goers in Ohio, but had no political reputation beyond his local surroundings, and was plain "Mark" Hanna of Cleveland. As a successful

GEORGE KILBON NASH

From a painting by T. C. Webber in the Capitol in Columbus.

Born in Medina county, Ohio, August 14, 1842; entered Oberlin College, but left to enlist in the army as a private, continuing till the end of the war; removed to Columbus, and was admitted to the bar, 1867; elected, 1870, Prosecuting Attorney of Franklin county, and served two terms; Attorney-General of Ohio, 1880-84; member of the Supreme Court commission, 1884-85; Governor, 1900-04; died October 28, 1904.

business man he indulged in politics from a sense of duty and to help his friends. It may be remarked that he liked the game. His first appearance on the political scene, in which he acquired any prominence, was in the Garfield campaign of 1880. Always recognized as one of the substantial and generous supporters of the Republican party in Cleveland and the Western Reserve, and an intimate friend of Garfield, he originated the idea of a Business Men's Republican club, and in this manner organized the business men of Cleveland into an effective supporting agency for General Garfield in his candidacy. In 1884 he was selected as one of the four delegates-at-large to the national convention, his associates being William McKinley, Joseph B. Foraker and William H. West, all then prominent in Ohio politics. The Ohio delegation was strenuously divided between James G. Blaine and John Sherman. Mr. Sherman's forces were led by Judge Foraker and Mr. Hanna, while Major McKinley and Judge West were as earnestly for Mr. Blaine. From that time forward he was an active leader of the Ohio Republicans, and was chosen as a delegate to the national Republican conventions in 1888 and 1896. In the latter year, after giving his greatest endeavors toward securing the presidential nomination of Major McKinley, he was chosen chairman of the National Republican committee, and for that position he was again selected in 1900.

He had always cherished an ambition, and expressed it privately to some of his intimate friends, to serve as United States Senator from Ohio; and his advancement to the office, although temporary and entered upon in the unstable character of an *ad interim* ap-

pointee, afforded him great pleasure. But he was determined that his tenure should be more secure, and he became the acknowledged candidate for a full term. The State convention of 1895 created a precedent in Ohio politics by designating former Governor Joseph B. Foraker as the choice of the Republicans for United States Senator. The State convention of 1897 similarly endorsed Mr. Hanna as the Republican candidate, both for Mr. Sherman's unexpired term and for the term commencing March 4, 1899. When the General Assembly met in January, 1898, the senatorial question engrossed public discussion in the State and also attracted the attention of the country. Notwithstanding that Governor Bushnell and the Republican State ticket had been elected by a substantial majority, the General Assembly was but narrowly Republican on joint ballot, the Senate being controlled by the Democrats. A determined minority of the Republican members of the legislature opposed Mr. Hanna, and, combining with the Democrats, almost compassed his defeat. The support of the allied forces was given to Robert E. McKisson, Mayor of Cleveland, an anti-Hanna Republican. The struggle resulted in the choice of Mr. Hanna by just the number of votes required, he receiving seventy-three, McKisson seventy and one Democrat being absent. And thus Mr. Hanna was elected for the full term commencing March 4, 1899.

Mr. Hanna served nearly seven years in the United States Senate. He was one of its most active and influential members, and, while he never created an idea in legislation or left upon the statute books any law embodying a distinctive programme, he was

extremely powerful in supporting policies, both of national and international character. He was not a constructive statesman, nor did he undertake to mold into law ideas either of himself or his party. Senator Foraker, in an address before the Senate after Mr. Hanna's death, said of him in this regard:

"His powers were of a different nature. They were of the organizing and executive character. While he had sound judgment and quick perception to enable him to perceive the right of public questions and the policies that should be pursued with respect to them, he also had sound judgment as to how to reach the understandings of men and how to impress upon them the necessities of coöperation and the character of machinery and procedure by which to bring about effective results. Plainly stated, he had common sense and an almost unnatural knowledge of human nature. He was above all men of his time fitted for the work that fell to him in connection with the nomination and election of William McKinley to the presidency.

"He grew not alone with the years, but even with the days. Soon the whole country came to understand that he was one of the really great men of his day and generation. Then the pendulum of public opinion swung quickly in the opposite direction. Misconceptions faded and misrepresentations ceased. Praise succeeded to criticism, and favor followed, until he enjoyed at the hands of the American people a most rare and exceptional esteem and admiration."

The State campaign of 1899 was of singular interest. For the first time in the history of Ohio a third candi-

date, unattached to any of the established parties and without even the advantage of a formal convention nomination, entered the contest for the governorship, and, on the strength of his personality altogether, made a most respectable showing at the polls. Samuel M. Jones—"Golden Rule" Jones—was the man who achieved this unique distinction. The same canvass witnessed the futile candidacy of that conspicuous citizen of Washington and Cincinnati, John R. McLean, so long and so potentially concerned in the Democratic politics of the State.

The Republican convention met at Columbus on the 2d of June, adopted a platform lauding the national and State administrations and endorsing Senators Foraker and Hanna, and nominated George K. Nash for Governor. At the Democratic convention, held in Zanesville August 30, the political creed of William J. Bryan, in its various articles, was reaffirmed, the initiative and referendum were advocated, party bosses and rings were severely condemned—with specific application to the Republican organization as at that period alleged to be constituted,—and the exercise of lynch law, "especially against our colored citizens," was denounced even more strenuously than in the Republican platform.

John R. McLean was nominated for Governor. This gentleman was (and is) distinguished principally as the proprietor of the *Cincinnati Enquirer*, the most powerful and extensively read newspaper of Ohio and one of the very foremost in the United States. In addition, by his individual capacity and executive force, he had accumulated a vast fortune through the

development and success of public utilities devoted to the furnishing of transportation and gas in the city of Washington, all of which were under his personal management and control. With the most powerful public influence of any individual Democrat in Ohio, he had been conspicuously inconspicuous, few voters of the State outside of his native city having personal knowledge of, or acquaintance with him. His career was one so mysteriously, yet so honestly successful, that it won the admiration of a great portion of his party. Born in Cincinnati in 1848, he succeeded his father, Washington McLean, in the ownership of the *Enquirer*. Under his conduct the influence and prosperity of that journal constantly increased, despite the competition of its two able Republican rivals, the *Commercial* and the *Gazette*, edited respectively by Murat Halstead and Richard Smith. A consolidation of these papers, under the style of the *Commercial Gazette* (now the *Commercial Tribune*) narrowed the competitive field but never the power or the profits of the *Enquirer*. The rivalry was not political alone; it is remembered by Cincinnatians that there was an acute lack of personal comity between Mr. Halstead and Mr. McLean. This culminated in a stern challenge from Mr. Halstead to the field of honor, which Mr. McLean mildly but firmly declined. Mildness and firmness may be justly noted as principal temperamental traits of John R. McLean. His career has at all times been marked by unobtrusiveness, but great and thorough capability and consistency of will. Many and peculiar have been the results and influences of his activities upon the fortunes of men in the Democratic party,

and the course of events in that organization, as exercised quietly yet positively through his remarkable paper. Though his personal endeavors for public office—including his campaign for the governorship in 1899 and several senatorial campaigns before and since—have uniformly failed, the political history of Ohio during the past thirty-five years, especially in its more subtle aspects, could not be written without extensive recognition of the influence of Mr. McLean, who is the *Enquirer*, and the *Enquirer*, which is Mr. McLean. Although his legal residence is in Cincinnati, where his name is as familiar as though he walked its streets daily, he has for many years maintained a stately home, "Friendship," near the city of Washington, and there he spends his time and dispenses an abounding hospitality.

In addition to the Republican and Democratic nominations, there were the usual Prohibition and Socialist tickets, and the Union Reform party, sole survivor of an aggregation of new parties born in 1896 and 1897, held a convention and put up candidates. It was expected that the Union Reformers would abstain from naming a man for Governor and follow the leadership of Samuel M. Jones, the "Golden Rule" mayor of Toledo, who had already announced that he would run as an independent; but they preferred one of their own fold, and Mr. Jones was left partyless. He immediately issued a manifesto, declaring himself a candidate for Governor on the following platform:

"Equality of opportunity for all. All men have an equal right to a place on the earth. It is the duty of

every patriot to see that this right is guaranteed to every man. The steps necessary to attain this right, for which I stand, are:

"1. The right of self-government through the abolition of political parties:—A. Direct nomination of candidates by the people; B. Direct making of laws by the people.

"2. Public ownership of all public utilities.

"3. Union wages, hours, and conditions, or better, for skilled labor, and an eight-hour day with a living wage for unskilled labor on all public work done.

"4. Abolition of the contract system, that glaring evil of the competitive system, on all public work, and the substitution of direct employment.

"5. It is the imperative duty of the State legislature to deal with the question of unemployment, to the end that provision may immediately be made that no citizen of Ohio who is willing to work shall be driven into pauperism, crime, or insanity for want of work."

The Jones candidacy was regarded by both the old parties as a joke and his platform as sheer sophistry. But this was not the view, evidently, of the voters, who to a very noticeable extent considered Mr. Jones a champion of desirable reforms. He profited much from serious disaffection in both the Republican and Democratic parties. Thousands of Republicans resented the domination of the Columbus convention by Senator Hanna, and a large section of the Democratic party cherished miscellaneous objections to Mr. McLean, some of which were of long and careful accumulation and others of more recent origin—especially the objection to his residence in Washington.

Mr. Jones carried the two large counties of Cuyahoga and Lucas—the former by a decided majority over all competitors and the latter by a substantial plurality over Nash. The total vote on Governor stood: Nash, 417,199; McLean, 368,176; Jones, 106,721; Ellis (Union Reform), 7,799; Hammell (Prohibition), 5,825; Bandlow (Socialist), 2,439.

George Kilbon Nash, elected Governor by a plurality of 49,023 over John R. McLean, was born on a farm in Medina county, Ohio, August 14, 1842. His early educational opportunities were limited, but he improved them assiduously and at the age of twenty entered Oberlin College. In his sophomore year he left that institution to enlist as a private in the One Hundred and Fiftieth Ohio Volunteer Infantry, and he continued in the service of the United States until the end of the Civil War. Establishing himself in Columbus after his discharge, he taught school while pursuing legal studies, and in 1867 was admitted to the bar. He was elected prosecuting attorney of Franklin county in 1870 and 1872 and Attorney-General of the State in 1879 and 1881. Governor Foster appointed him a member of the Supreme Court Commission in 1883. After his retirement from that office in 1885 he practiced his profession in Columbus with ability and success, also participating with considerable activity and prominence in political affairs. He was the leading competitor of Mr. Bushnell for the Republican nomination for Governor in 1895, managed Governor Bushnell's campaign for reëlection in 1897, and in 1899 was elected to the governorship. He died in Columbus, October 28, 1904.

In 1900 the census of the United States gave Ohio a population of 4,157,545. The State maintained its previous rank of fourth. At this census Cleveland, with a population of 381,768, for the first time outstripped Cincinnati, becoming the leading city of Ohio and the seventh of the country. Other principal Ohio cities had populations as follows: Cincinnati (tenth city of the country), 325,902; Toledo, 131,822; Columbus, 125,560; Dayton, 85,333; Youngstown, 44,885; Akron, 42,728; Springfield, 38,253; Canton, 30,667; Hamilton, 23,914; Zanesville, 23,538; Lima, 21,723; Newark, 18,157; and Lorain, 16,028.

The annex to the Statehouse was completed and occupied in 1900. The building was constructed under an act passed April 19, 1898, which appropriated $400,000 for the purpose; a building commission, consisting of the Governor, Attorney-General and three members appointed by the Governor, had full charge of the enterprise. On February 16, 1899, the cornerstone of the new State building was laid. Suitable ceremonies and speeches were the order of the day. Governor Bushnell, Judge J. A. Shauck of the Supreme Court, F. S. Monnett, Attorney-General, and William G. Deshler, of Columbus, delivered addresses. Mr. Deshler, who was present at the laying of the cornerstone of the capitol nearly sixty years before, gave interesting reminiscences and historical references concerning that period. This structure, known as the "Judiciary Building," grew out of the need of accommodations for the judiciary, the Attorney-General's office, the Supreme Court and the law library. The development of the State's business has, ever since the

completion of the new building, been very extensive. At the present time (1912) some eighteen subsidiary branches of the State government are unprovided with quarters in the capitol even as enlarged, and are obliged to rent offices in private buildings.

On the 22d of October, 1900, occurred the death of John Sherman, at his residence in Washington. Since his resignation of the office of Secretary of State in 1898 he had lived in retirement. President McKinley, in announcing his death, said: "Few among our citizens have risen to greater or more deserved eminence than he. The story of his public life and services is, as it were, the history of the country for half a century. In the Congress of the United States he ranked among the foremost in the House and later in the Senate. He was twice a member of the Executive Cabinet, first as Secretary of the Treasury and afterward as Secretary of State. Whether in debate during the dark days of our Civil War, or as the director of the country's finances during the period of rehabilitation, or as a trusted councilor in framing the nation's laws for over forty years, or as the exponent of its foreign policy, his course was ever marked by devotion to the best interests of his beloved land and by able and conscientious effort to uphold its dignity and honor. His countrymen will long revere his memory and see in him a type of the patriotism, the uprightness, and the zeal that go to molding and strengthening a nation."

At the election held in November, 1900, President McKinley was chosen for a second term, receiving in Ohio a plurality of 69,036 over William Jennings Bryan, his Democratic competitor. In entering upon

the duties of his second administration, March 4, 1901, President McKinley retained his former Cabinet, in which John Hay, a sometime resident of Ohio, was Secretary of State. All the conditions augured a most successful administration. The opposition party had signally failed to commend its policies to the confidence of the country, and as an organization was distinguished by such utter weakness in all the principal states that it seemed but a remnant of the powerful Democracy of a few years before. The ready and complete acceptance of every affirmative measure of the administration was a matter of course, and, in addition, the personal authority of the President was supreme to a degree hardly ever before observed in the history of the country. In this fortunate situation President McKinley bore himself with a moderation and modesty that still further strengthened him in the popular esteem and affection. His public utterances in the months following his second inauguration were characterized by a breadth, temperateness, and toleration which admitted of no doubt that a comprehensive patriotism, with conciliation of all honest opinions, rather than partisanship, would at all times mark his conduct of the government. This spirit was particularly manifest in an address delivered at the Pan-American Exposition at Buffalo, New York, September 5, 1901.

On the afternoon of the next day, Friday, September 6, while receiving his fellow-citizens in the Temple of Music at the exposition, the President was twice shot by an anarchist, who carried his weapon under a handkerchief wound around his hand like a bandage. One of

the shots struck the breastbone and glanced off; the other entered the abdomen. Mr. McKinley died Saturday morning, September 14, from gangrene poisoning in the stomach. Funeral services were held in Buffalo, and on Thursday, September 19 (appointed by proclamation as a day of mourning and prayer throughout the United States), the body lay in state in the national capitol at Washington, after which there was a public funeral. The remains were laid to rest in Canton, Ohio. President McKinley was survived by his wife, who spent the remainder of her life in Canton. She died there, May 26, 1907.

The first administration of Governor Nash was devoted largely to the reform of the taxing system and the regulation of corporations. He outlined his policy in his inaugural address, in which he said:

"Under our present laws, corporations may be created for any purpose for which individuals may lawfully associate themselves, except for carrying on professional business. These artificial persons, except insurance companies, railroad companies, building and loan associations, and certain banking companies, are practically under no restraint by the State and make no reports to her officers. Large mining, manufacturing, commercial and other enterprises are carried on by and through them. Because they are created by the State, and possess certificates bearing the impress of her seal, people are led to believe that they are safer to do business with, and are more entitled to credit, than are private partnerships and individuals. In very many cases they are less worthy of confidence. They are authorized by the State to do business before

one dollar of the capital stock has been paid. This is an unfortunate condition of affairs. The State, before she gives these corporations her approval and permits them to do business, ought to require that all their capital stock be paid in money and invested in the business they purpose to transact. She ought to be sure of this fact by reports made to some competent officer. We should go further, and require these companies to make annual reports, to be filed with and inspected by the officer indicated above." In his message of 1902 he emphasized these recommendations, remarking: "As matters now stand, the Secretary of State knows nothing about a corporation after it leaves his office with a charter from the State. He cannot even tell how many of the forty thousand or more corporations chartered by the State during the last fifty years are now dead, nor how many are still living. The State creates the thing, authorizes it to do business, sends it out in the cold, and knows nothing more about it forever. It is high time that a change should be made." We have quoted at length from Governor Nash because his suggestions afforded the basis for the very interesting enactments concerning corporations in his next administration. His views on this subject were endorsed by the Republican State platform of 1901, and thus became party policy.

Regarding taxation, the Governor said: "The total amount of money paid into the State treasury during the year ending on the 15th of November, 1901, was $8,036,428.59. Of this amount nearly two-thirds, or $5,407,778.22, was raised by levies upon real and personal property in Ohio. A little more than one-

third, or $2,703,888.61, came from sources of revenue other than such levies. This fact was a great relief to the tangible property in the State, and for it credit should be given to constitutional laws enacted within the last twelve years. Such laws should be widened and extended, until all the money needed by the State is provided without a resort to real and personal property." Here we have indication of progress in the workings of a taxation idea to which allusion has been made in a previous chapter. The idea involved was closely associated with the new plans affecting corporations, and had development accordingly.

Early in 1901 Governor Nash felt constrained to make vigorous use of his executive power. This grew out of the fact that Mayor Julius Fleischmann, of Cincinnati, issued a license for what was pretended and promised to be a competitive physical contest between two widely known professional prizefighters. The event was to occur in that city. The Governor was promptly notified by reputable citizens that, in their judgment, the projected affair would not be at all a mere emulative display of technical physical skill, but a frank and brutal prizefight, prohibited by and contrary to the statutes of Ohio. Governor Nash, upon receiving the requisite information on the subject, arrived at the same opinion and informed the Cincinnati authorities that the prizefight would not be permitted. In the meantime he convened the emergency board, asked for and received a vote of the sum of $50,000, to be used, if necessary, to mobilize the National Guard of the State for the purpose of preventing the fight. This courageous proceeding was

severely denounced by the typical "sporting" element of Cincinnati and the State generally, but by all others was received with great satisfaction and praise. There was no doubt that the Governor would exercise the power given him to the fullest extent, and the "battle" was abandoned. Sequential to the affair, it is noticeable that when a candidate for reëlection a few months later, Hamilton county gave him the decisive majority of 5,686, although it had gone against him in 1899.

Governor Nash was renominated by the Republican State convention held at Columbus, June 25, 1901. The Democratic convention, which also met at Columbus, July 10, nominated James Kilbourne as its candidate for Governor. Mr. Kilbourne was a prominent and esteemed citizen of Columbus, a successful manufacturer, and a descendant of one of the oldest and most noteworthy families of Central Ohio. The election resulted in the choice of Mr. Nash by a plurality of 67,567.

The legislature in 1902 was occupied chiefly in formulating and passing the new corporation and taxation measures suggested by the Governor. Summarized briefly, the following were the provisions of the laws enacted on those subjects:

Domestic corporations, organized for profit, were required to file annual reports and pay a fee of one-tenth of one per cent. upon the capital actually invested in them. Corporations organized in other states and doing business in Ohio were required to file like annual reports and pay a fee of one-tenth of one per cent. upon the capital employed in their operations in Ohio. A change was made in the excise law affecting the so-called public utility corporations, by which certain

corporations previously exempt were brought under its provisions, and all such corporations were obliged to pay into the State treasury one per cent. of their gross receipts in Ohio, instead of only one-half of one per cent., as formerly. Foreign life and fire insurance companies, for the privilege of doing business in Ohio, were required to pay two and one-half per cent. of the gross receipts from the business thus transacted. More efficient methods were adopted for the collection of the Dow liquor tax. As the result of these various changes it was estimated that the sum of three million dollars in taxes previously paid on real and personal property was transferred as a charge upon the corporations. The levy for State purposes was accordingly reduced from $2.89 to $1.35 per thousand dollars of valuation on general property.

A radical revision was made in the municipal code. All communities of five thousand population and over were declared to be cities, all under five thousand were classed as villages, and regulations were adopted for uniformity in municipal government. Constitutional amendments were submitted to abolish the double liability clause, which was adopted; to give the General Assembly greater powers in the matter of classifying subjects for taxation under the general laws of the State, which was defeated; and to confer a limited veto authority upon the Governor, which was also adopted. The Legislature gave its sanction to a design for an official State flag, which, though now only ten years in use, has enjoyed the general acceptance of the people and is to be regarded as a permanent institution.

Although 1902 was an "off" year politically, the fall campaign was enlivened by spectacular demonstrations. Mayor Tom L. Johnson, of Cleveland, whose activities as an aggressive reformer had for some years attracted the public eye, made a general canvass of the State, with an immense circus tent and a red automobile. In his addresses he spoke with great vigor on the subjects of unequal taxation and the underassessment of quasi-public corporations. He was followed over a large part of his route by Senator Hanna, who with equal emphasis maintained the wisdom and sufficiency of the Republican policies and measures. The Republican candidates were elected by pluralities generally exceeding ninety thousand.

The centenary of Ohio's entrance into the Union was commemorated by two impressive celebrations at Chillicothe, under the joint auspices of a committee of the Ohio State Archæological and Historical Society and a State commission appointed by the Governor. The members of the State commission were General J. Warren Keifer, of Springfield; Rush R. Sloane, of Sandusky; General B. R. Cowen, of Cincinnati; General James Barnett, of Cleveland; David S. Gray, of Columbus; General Charles M. Anderson, of Greenville, and Robert W. Manly, of Chillicothe. As the State made an appropriation of only ten thousand dollars to defray necessary expenses, there was no attempt at a spectacular or industrial display, and the exercises were restricted to appropriate ceremonies, formal addresses, and literary papers on various phases of Ohio's history and development. In addition to the regularly appointed

proceedings at Chillicothe, the centenary was generally observed by public exercises in the schools throughout the State.

The first of the Chillicothe celebrations was held November 29, 1902, in memory of the adoption, on the same date in 1802, of the original Constitution of Ohio. A tablet marking the location of the first State-house (the present Ross county courthouse) was unveiled. The presentation address was made by Robert W. Manly, of Chillicothe, a great-grandson of Edward Tiffin, the first Governor of Ohio, and the tablet was accepted by the city through its Mayor, W. D. Yaple. Formal addresses were delivered by Daniel J. Ryan, of Columbus, on "The First Constitution," and by William T. McClintick, of Chillicothe, on "The Men of the First Constitutional Convention."

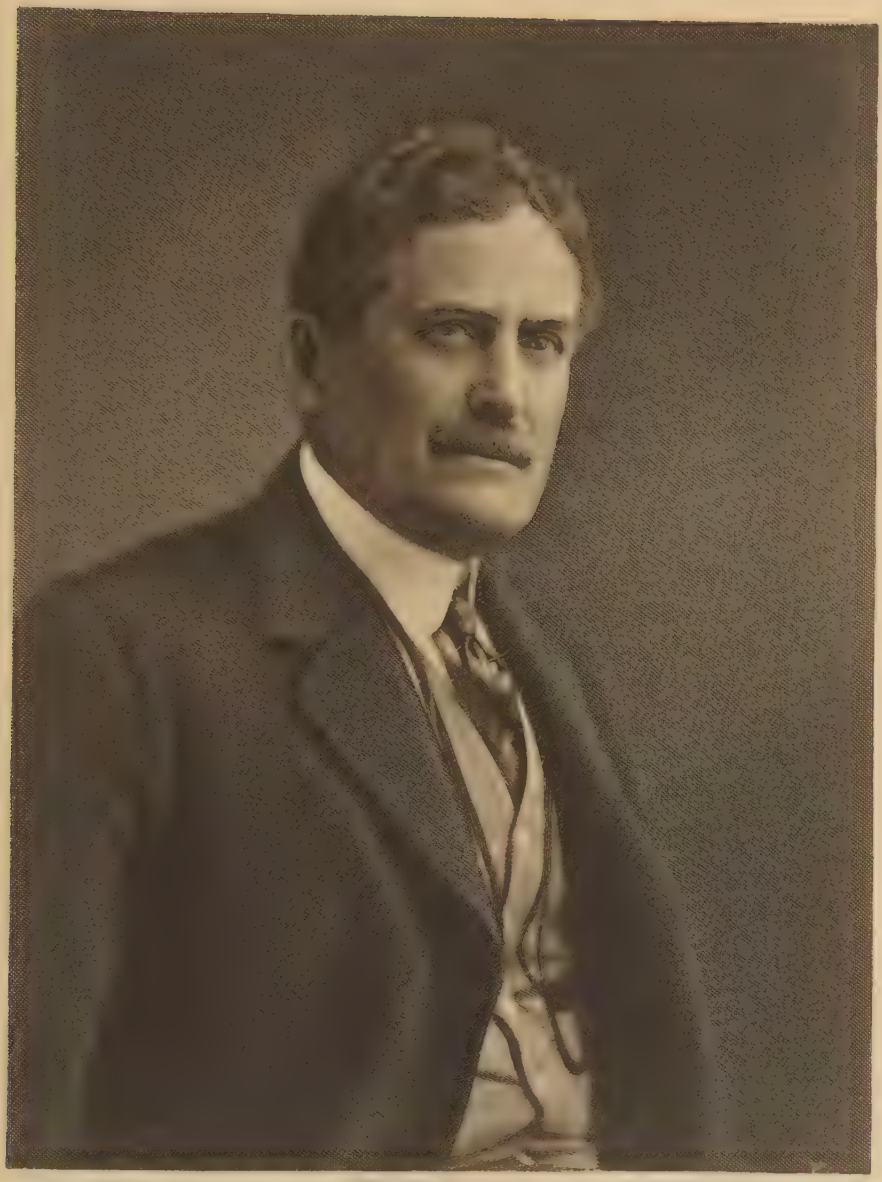
Ohio's organization as a State of the Union was effected March 1, 1803, and the centennial celebration of the event occurred at Chillicothe May 20 and 21, 1903, postponement to those dates being made in order that the occasion might have the advantage of seasonable weather. Addresses were delivered during the two days by Archibald Mayo, Horatio C. Claypool, Mayor W. D. Yaple, General J. Warren Keifer, Governor Nash, Judson Harmon, Martin R. Andrews, Rush R. Sloane, Emilius O. Randall, General Thomas McArthur Anderson, Murat Halstead, David Meade Massie, former Governor James E. Campbell, Senator Joseph B. Foraker, General Charles H. Grosvenor, Judge Moses M. Granger, Senator Marcus A. Hanna, Lewis D. Bonebrake, President William O. Thompson, of the Ohio State University, Roeliff Brinkerhoff,

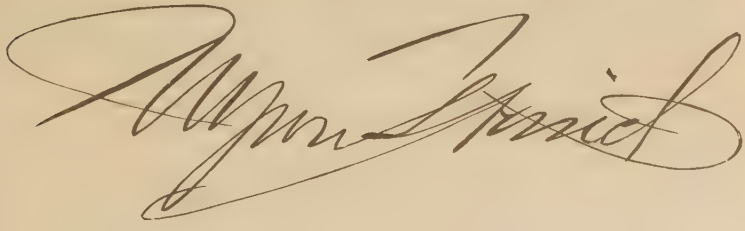
MYRON T. HERRICK

Born in Huntington, Lorain county, Ohio, October 9, 1854; studied at Oberlin College and Ohio Wesleyan University, and was admitted to the bar, 1878; practiced his profession in Cleveland until 1886, subsequently becoming prominently concerned in financial affairs; Governor, 1904-06; appointed Ambassador to France, 1912.

Ohio. A tablet marking the location of the first Statehouse (the present Ross county courthouse) was unveiled. The presentation address was made by Robert W. Manly, of Chillicothe, a great-grandson of Edward Tiffin, the first Governor of Ohio, and the tablet was accepted by the city through its Mayor, W. D. Yaple. Formal addresses were delivered by Daniel J. Ryan, of Columbus, on "The First Constitution," and by [illegible] of the First Constitutional Convention."

Ohio's organization [illegible] a State of the Union was effected Mar[illegible] the centennial celebration of the event [illegible] May 20 and 21, [illegible] postponement [illegible] being made in order that the [illegible] advantage of [illegible] delivered during the [illegible] Horatio C. Claypool, [illegible] J. Warren Keifer, Governor [illegible] Martin R. Andrews, [illegible] R. [illegible], General Thomas [illegible] Anderson, [illegible] David Meade [illegible], former Governor [illegible] Campbell, Senator Joseph B. Foraker, General [illegible] H. Grosvenor, Judge Moses M. Granger, [illegible] Marcus A. Hanna, Lewis [illegible] Bonebrake, [illegible] William O. Thompson, of the Ohio State University, [illegible] Brinkerhoff,





Thomas Ewing, Jr., of New York, General B. R. Cowen, Mrs. James R. Hopley, of Bucyrus, S. S. Knabenshue, Professor W. H. Venable, Bishop C. C. McCabe, former Governor Charles Foster, Bishop B. W. Arnett, and Austin Matlack Courtenay. All of these addresses were formal and carefully prepared historical contributions relating to Ohio. The Ohio State Archæological and Historical Society has preserved the proceedings and addresses in a volume, "Ohio Centennial Anniversary Celebration," published at Columbus in 1903.

The Republican State convention of 1903 was held in Columbus on the 4th of June. Colonel Myron T. Herrick, of Cleveland, was nominated for Governor by acclamation. At the Democratic convention, in Columbus, August 26, Tom L. Johnson received the nomination. The election involved not only the choice of State officers, but of a legislature which would be charged with the selection of a successor to Mr. Hanna in the United States Senate. The Republican platform pledged support to Mr. Hanna for that office, and on the Democratic side the avowed candidate was John H. Clarke. Both nominees for governor, as well as both aspirants for the senatorship, were from Cleveland. With Mr. Johnson as the Democratic leader, the campaign was waged largely on the special issues for which he stood. These included the return of all property for taxation at its full value in money, a uniform railway fare of two cents a mile, various concessions to labor, and the nomination of candidates for United States Senator by State conventions. Mr. Herrick was elected by a plurality of 113,812. The

legislative returns showed the choice of twenty-nine Republicans and four Democrats to the Senate and eighty-eight Republicans and twenty-two Democrats to the House.

Governor Herrick was born October 9, 1854, in a log cabin on the farm cleared by his grandfather in Lorain county, Ohio. Like his predecessor he was country bred, enjoyed no early advantages but gradually created opportunities for himself, studied for a time at Oberlin, and became a lawyer. Embarking in practice in Cleveland, he was successful in his profession, but later applied himself more especially to financial affairs and important enterprises. In those connections he rose to a respected and prominent position in the community, which he has always since maintained. A man of earnest character, high ideals, and attractive and forcible personality, his advancement to leadership in the Republican party came as the result of his recognized qualifications and not of struggle or seeking. In this respect, as in the particulars of a unanimous convention nomination and an election by the largest plurality ever given a candidate for Governor in Ohio, he came into office with a conjuncture of personally fortunate circumstances most unique.

Inaugurated as the fortieth Governor of Ohio on the 11th of January, 1904, he delivered an address which surveyed the State affairs and interests with ability and no lack of becoming expression, but gave no indication of new departures or projects of special consequence. Nor can it be said that at the ensuing session there was manifest any disposition, either on the part of the Governor or the controlling party as such, to

originate or urge measures of an innovating nature. It was considered that the previous administration had disposed of the more emergent subjects of legislation, and the inclinations of the new Governor and the responsible leaders of the general assembly were distinctly to pursue ordinary business in an ordinary way. But there arose questions and situations of peculiar delicacy, seriousness, and embarrassment. The most troublesome measure of the session was the Brannock local option bill, to afford residence districts in cities the opportunity to rid themselves of saloons. It was amended and re-amended, passed in the house, passed in a different form in the Senate, and finally, the two bodies being in deadlock, reduced to still another shape by the suggestions of the Governor and so accepted and enacted. The act, as might have been expected, proved unsatisfactory to both the saloon and the anti-saloon elements, and both harbored resentment against Governor Herrick accordingly.

Another bill which excited acrimonious controversy and was thought to have seriously affected the political fortunes of the Governor, was that introduced by Representative Chisholm, ostensibly to "further encourage and promote the breeding and developing of light harness horses," but really to legalize race-track gambling. Favorable action was taken by both the House and Senate, and the bill came to the Governor. At the election of 1903 the constitutional amendment conferring the veto power upon the executive had been adopted, and, exercising the discretion thus given him, he vetoed it as prejudicial to the moral interests of the people and the dignity and honor of the State.

It is highly improbable that the opposition and animosity provoked among certain classes by Governor Herrick's course respecting the Brannock and Chisholm measures would, of themselves, have accomplished his defeat for reëlection. We have seen that Governor Nash's antagonism of the sporting fraternity in the Cincinnati prizefight matter operated rather to his political advantage than otherwise. On the other hand, the temperance support alienated from Governor Herrick by his compromise attitude with reference to the Brannock bill could not, in view of his conscientious spirit and his firmness in demanding legislation after the House and Senate had failed to agree, have been the cause of sufficient party defection to result in his defeat. It took more than these two causes to accomplish the withdrawal from him of 75,000 votes. The determining factor in the Governor's sensational defeat of 1905 must be sought in another quarter.

He was renominated unanimously by the Republican State convention, which met in Columbus on the 25th of May, 1905. William Howard Taft, at that time Secretary of War, presided over the convention. Opposed to Mr. Herrick in the campaign was John M. Pattison, of Milford, Clermont county, nominated by the Democratic convention. Mr. Pattison was generally acceptable to the temperance element, and his record, associations, and personality appealed favorably to the people. An incident of the campaign which excited great interest was a speech delivered by Secretary Taft at Akron, sharply criticising the Republican local organization in Cincinnati and announcing his intention not to vote the Hamilton county

"machine" ticket. Mr. Taft's remarks applied directly and emphatically to the leading figure in Cincinnati professional politics, whose long and successful career as a "boss" was familiar to all the citizens of the State. These strictures were construed by many as practically admitting that the party at large was more or less under a baneful domination. There is no question that the Akron speech decided the contest in Mr. Pattison's favor, although Mr. Taft certainly could not have intended it to have that effect. Governor Herrick was defeated by a plurality of 42,657, the remainder of the Republican State candidates being elected by pluralities that ranged from 29,000 to 46,000.

John M. Pattison was born in Clermont county, Ohio, June 13, 1847, enlisted in the Union army at the age of sixteen, was graduated from the Ohio Wesleyan University in 1869, and three years later was admitted to the bar. After practicing his profession some years he transferred his energies to the insurance business, in which he was successfully engaged in Cincinnati until his death. He served as member of the Ohio House of Representatives (1873), the State Senate (1890), and the Fifty-Second Congress. In his inaugural as Governor, January 8, 1906, he spoke with much positiveness about the desirability of restoring the Brannock residential local option law to its original status, favored a county option system, recommended the maintenance and enforcement of Sunday laws, and advised progressive legislation concerning the regulation of banks, the more strict application of the tax laws to public service corporations, home rule in cities,

and other matters. The legislature in both branches was almost evenly balanced between the Republicans and Democrats, and the Governor expressly said that he desired no action for partisan purposes. Governor Pattison died June 18, 1906, a little more than five months after his inauguration. The office devolved upon the Lieutenant-Governor, Andrew L. Harris, a Republican.

Governor Harris (born in Butler county, Ohio, November 17, 1835) served throughout the Civil War, receiving in 1865 the brevet of brigadier general of volunteers for distinguished and gallant conduct, was afterward admitted to the bar, held the office of probate judge of Preble county, was a member of both the Ohio Senate and House of Representatives, was Lieutenant-Governor of the State from 1892 to 1896, and in 1905 was again elected to that office.

A constitutional amendment adopted in 1905 provided that all subsequent elections for State and county officers should be held in the even-numbered years, and that the general assembly should have power to extend existing terms of office accordingly. It thus happened that the term embracing the administrations of Governors Pattison and Harris ran for three years—from January, 1906, to January, 1909. At the 1906 session the Aiken Law, raising the liquor tax from $350 to $1,000, was enacted. This was signed by Governor Pattison, and a suit was brought to overthrow it on the ground that he was not in a condition of health at the time to know its contents. But the testimony of members of his family contradicted the allegation, and the Supreme Court (Wrede vs. Richardson, Auditor, 77 Ohio St. Rep., p. 182) sustained the act.

The general assembly, at its next regular session in 1908, had a substantial Republican majority in both branches. Governor Harris, in his message, recommended a county local option law, and a measure (the Rose Law) satisfactory to the anti-saloon interests was passed and signed. It contained the noteworthy provisions that if a county having dry towns (under previous local option laws) voted wet, the dry towns should remain dry; whereas if a county having wet towns voted dry all towns should become dry. The Rose Law took effect September 1, 1908, and before the end of the year fifty-seven counties voted dry, making sixty-two of the eighty-eight counties dry. Other acts of 1908 were laws relating to pure food and the State board of health; an act establishing the bureau of vital statistics; an act forbidding corporations to contribute or use money for political purposes, and an act organizing the State banking department.

In February of this year (1908) the aggressions of "night riders" in Clermont county made it necessary to call out troops for the protection of tobacco growers, and in May troops were again employed to stop outrages by "night riders" from Kentucky in the same district. March 4 occurred the fearful calamity at Collinwood, a suburb of Cleveland, one hundred and seventy-two children and two heroic women teachers losing their lives in the burning of the Lake View school.

In 1908, for the first time in Ohio, the presidential and gubernatorial elections occurred coincidently. William Howard Taft, of Cincinnati, was the successful candidate of the Republican party for President, and carried the State by a plurality of 69,591 over

William Jennings Bryan. President Taft is the seventh Ohioan to occupy the highest office of the nation, the list being William Henry Harrison, Grant (born in Ohio), Hayes, Garfield, Benjamin Harrison (born in Ohio), McKinley, and Taft.

The President was born in Cincinnati, September 15, 1857, his father being Alphonso Taft, a conspicuous lawyer of that city, Secretary of War under President Grant and Attorney-General under President Hayes. William H. Taft was graduated from Yale in 1878, was admitted to the bar, held local, federal, and judicial offices, was the first civil governor of the Philippine Islands (1901-4), was Secretary of War from February, 1904, to July, 1908, and was nominated and elected to the presidency. His administration as President belongs to the sphere of National history, with which, as generally with national questions and events, their merits, their vicissitudes, and their curiosities, this work is not concerned.

The nominees of the two leading parties for Governor at the 1908 election were Andrew L. Harris, Republican, and Judson Harmon, Democrat. Governor Harris had incurred the enmity of the saloon element by his activities in behalf of county option. This element, always a very positive force when it exerts itself, combined to defeat him. For some reasons which do not clearly appear, he was less fortunate than his predecessor in counteractive temperance support. The commanding personality of his opponent, one of the most able and distinguished men of the State, subtracted the remaining votes necessary to turn the scale. Mr.

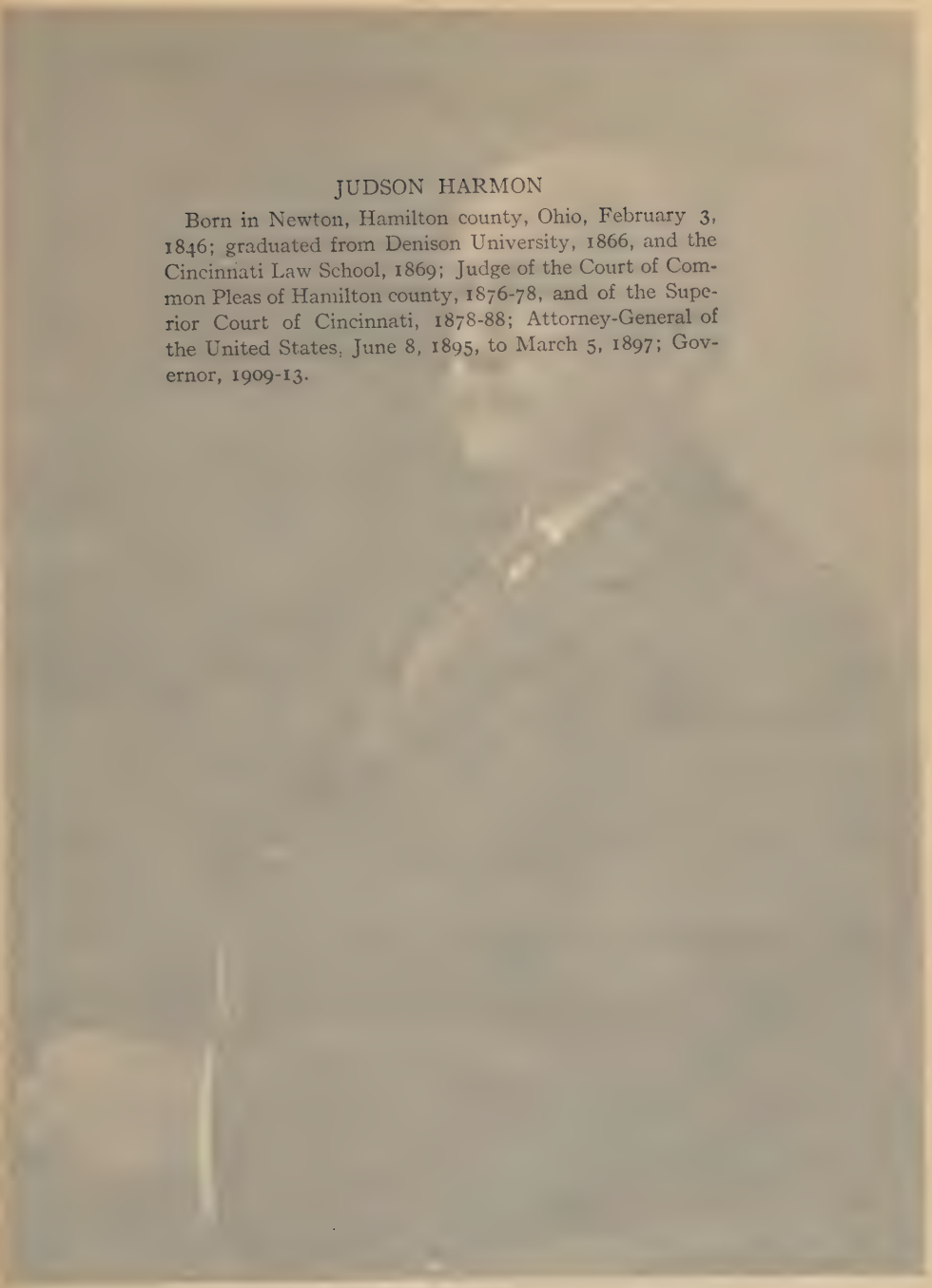
Harmon was elected by 19,372 plurality, though all but one of his associates on the Democratic ticket were beaten.

Judson Harmon was born at Newton, Hamilton county, Ohio, February 3, 1846, the son of a Baptist minister. He worked his way through college, was admitted to the bar, and during a portion of his early career was judge of the common pleas court of Hamilton county and judge of the superior court of Cincinnati. Resigning the latter position in 1887, he became associated in law practice with former Governor George Hoadly. From June, 1895, to March, 1897, he was Attorney-General of the United States in the Cabinet of President Cleveland, achieving a reputation for eminent ability and conscientious discharge of official responsibility and duty. After retiring from the Cabinet he resumed his law business in Cincinnati, which he prosecuted without interruption until called to the governorship. He was inaugurated January 11, 1909.

A special session of the Legislature was held in 1909 by call of the retiring Governor Harris, but no enactments of any note resulted. The county elections on the saloon question continued, with varying results. A sensational incident was the carrying of Clark county by the "drys," which involved the extinguishment of the liquor traffic in Springfield, although the city had given a wet majority of 1,846. At the Ross county election there were scenes of violence in Chillicothe, necessitating the interference of the militia. The county voted "wet," and the same conclusion was reached in Mahoning county, mainly by the vote of the city of Youngstown.

Various wholesome measures were passed by the legislature in 1910, but these fell much short of satisfying the desires of Governor Harmon, who consequently occupied a position of peculiar strength in appealing for a reëlection and with it a legislative body that would coöperate in his policies. He was renominated by acclamation at the Democratic convention, which met in Dayton on June 22, and on the same occasion was named as the choice of his party in Ohio for the presidency in 1912. Warren G. Harding, of Marion, was selected as the Republican candidate. After an animated campaign, in which former President Roosevelt appeared on the scene and strongly antagonized Governor Harmon, the whole Democratic ticket was elected by large majorities, and a legislature Democratic in both branches was returned. The Governor's plurality was 100,377, vastly exceeding that of any of his associates. It was preëminently a personal triumph, and as such is unapproached in Ohio history. The somewhat larger pluralities of Governor Brough in 1863 and Governor Herrick in 1903 were much more of party than of personal significance.

Serious disturbances, incidental to the liquor question, occurred in the city of Newark on July 8, 1910. Officers of the law, acting on request of the Anti-Saloon League and the Licking county Law and Order League, in the exercise of their undoubted right to investigate violations of the statute forbidding liquor sales, raided premises where the traffic was conducted. During the excitement which followed a saloon-keeper named Howard was shot (it was claimed in self-defense) by



JUDSON HARMON

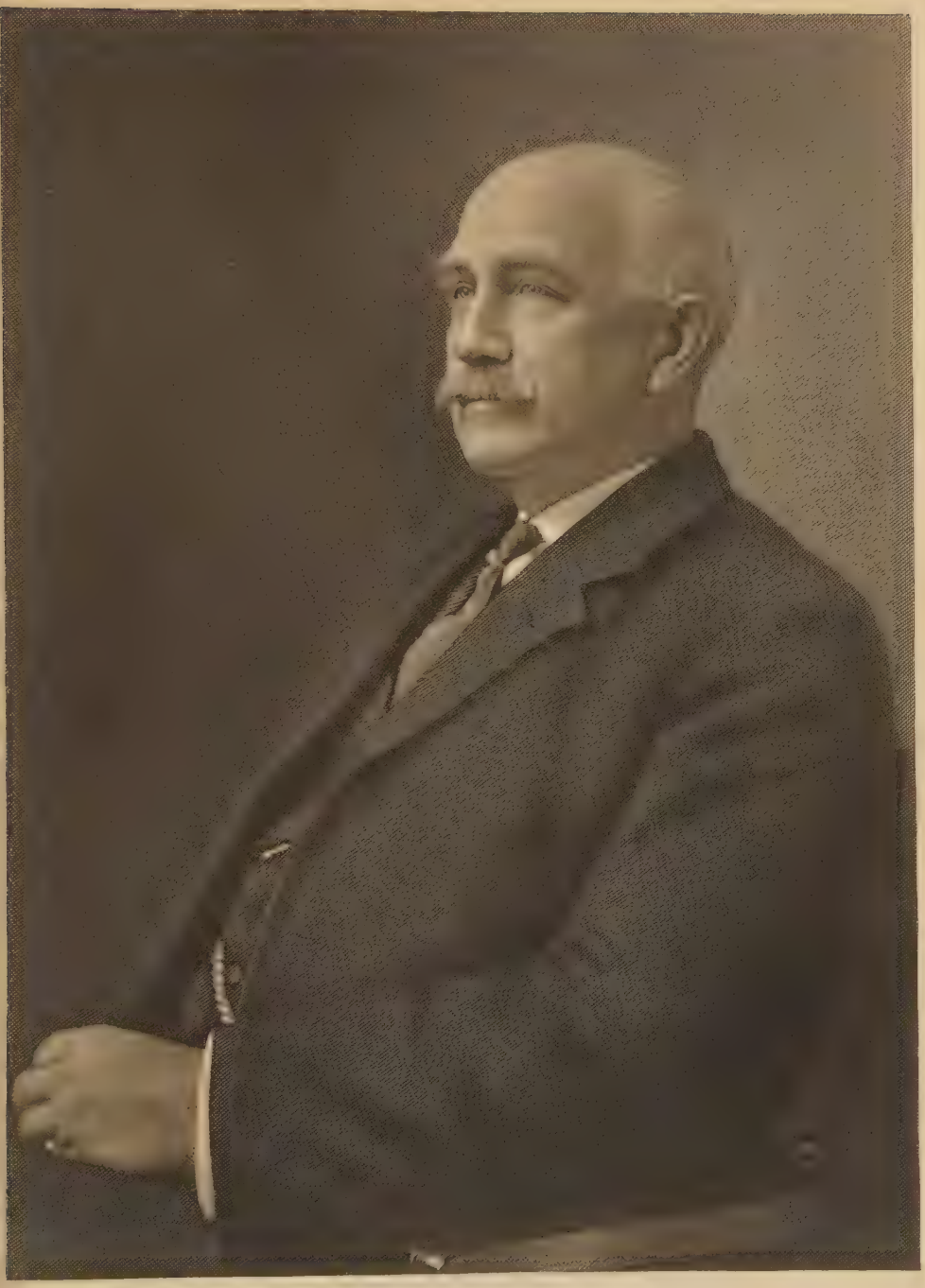
Born in Newton, Hamilton county, Ohio, February 3, 1846; graduated from Denison University, 1866, and the Cincinnati Law School, 1869; Judge of the Court of Common Pleas of Hamilton county, 1876-78, and of the Superior Court of Cincinnati, 1878-88; Attorney-General of the United States, June 8, 1895, to March 5, 1897; Governor, 1909-13.

JUDSON HARMON

Born in Newton, Hamilton county, Ohio, February 3, 1846; graduated from Denison University, 1866, and the Cincinnati Law School, 1869; Judge of the Court of Common Pleas of Hamilton county, 1876-78, and of the Superior Court of Cincinnati, 1878-88; Attorney-General of the United States, June 8, 1895, to March 5, 1897; Governor, 1909-13.

which met in Dayton on June 22, and on the same occasion was named as the choice of his party in Ohio for the presidency in 1912. Warren G. Harding, of Marion, was selected as the Republican candidate. After an animated campaign, in which former President Taft's [illegible] on the scene and strongly antagonized Governor Harmon, the whole Democratic [illegible] was [illegible] by large majorities, and a legislature Democratic in both branches was returned. The Governor's plurality was [illegible], easily exceeding that of any of his associates. It was preëminently a personal triumph, and as such is unapproached in [illegible]. The [illegible] of Governor Brough in 1863 and Governor Herrick in 1903 were much more of party than of personal significance.

Serious disturbances, incidental to the liquor question, occurred in the city of Newark on July [illegible], 1912. Officers of the law, acting on request of the Anti-Saloon League and the Licking county Law and Order League, in the exercise of their undoubted right to investigate violations of the statute forbidding liquor sales, raided premises where the traffic was conducted. During the excitement which followed a saloon-keeper named Howard was shot (it was claimed in self-defense) by



Judson Harmon

Carl Etherington, one of the raiding party. Etherington was taken to the county jail, which was presently attacked and broken into by a mob of five hundred men, and the prisoner was seized, taken to the courthouse square, and hanged. The officials of the Anti-Saloon League, as well as many residents of Newark, accused the mayor, sheriff, and other responsible persons of cowardice and neglect of duty in not preventing the lynching. Governor Harmon, after investigation, suspended the mayor. Both the mayor and sheriff resigned. After the lynching the grand jury made a searching inquiry, and more than twenty indictments were returned for first degree murder and over twenty for assault and battery, rioting, and lesser offenses. Governor Harmon requested the Attorney-General to take charge of the investigation and prosecution of these cases. This resulted in numerous convictions, and many offenders were punished. The first of the lynchers was tried for murder. He was convicted of manslaughter and sentenced to twenty years in the penitentiary. Others were found guilty of lesser offenses and punished according to law.

The thirteenth census of the United States, taken in 1910, gave Ohio 4,727,121 inhabitants, the State continuing to rank fourth in the Union. A most interesting feature of the movement of population in Ohio is that of the relative number of her people living in urban and rural territory. The following classified table, comparing urban and rural populations, indicates that the decided majority of Ohio's inhabitants live within the cities:

Class of Places	Number of Places	Population
Urban Territory	139	2,665,143
Cities and villages of		
500,000 inhabitants or more	1	560,663
100,000 to 500,000 inhabitants	4	830,176
50,000 to 100,000 inhabitants	3	198,350
25,000 to 50,000 inhabitants	6	195,021
10,000 to 25,000 inhabitants	23	360,984
5,000 to 10,000 inhabitants	45	321,860
2,500 to 5,000 inhabitants	57	198,089
Rural Territory	...	2,101,978
Villages of less than 2,500 inhabitants	644	452,030
Other rural territory	...	1,649,948

Governor Harmon was inaugurated for his second term on January 9, 1911. Great interest centered in the legislative session because of the important measures which the Governor favored. In January the income tax amendment to the Constitution of the United States was ratified, the previous Legislature having declined to give it approval. The laws adopted in 1911 include a number of far-reaching character. A maximum one per cent. tax rate was fixed, with the proviso for increase to one and one-half per cent. in any tax district by a majority vote of the people. The affairs of the seventeen State institutions were taken from the control of separate boards of trustees and placed under the management of a State Board of Administration. A State Public Service Commission was created, with extensive powers for controlling enterprises of public utility, regulating rates, and affording satisfaction to citizens in cases of grievance. A State insurance fund was instituted, from which money will be paid employes injured and depend-

ents of employes killed at their work. The "Oregon plan" for direct nomination of United States senators was established. The referendum was granted to municipalities upon petition of fifteen per cent. of the voters, and the initiative upon petition of thirty per cent.

In response to considerable agitation on the subject, the general assembly, by an act passed March 9, 1909, submitted the question of holding a Constitutional Convention to the electors of the State at the regular election on November 8, 1910. Out of a total vote of 932,262 there were cast in favor of holding a constitutional convention 693,263 and against such a convention 67,718. As a sequence to this election, the general assembly, by an act passed March 31, 1911, provided for the election of delegates to the convention in the following November.

The fourth constitutional convention convened in the hall of the House of Representatives in the city of Columbus, January 9, 1912. Herbert S. Bigelow, of Cincinnati, was elected president, and Charles B. Galbreath, of Columbus, secretary. The session lasted for one hundred and fifty-one days, of which eighty-two were spent in actual deliberation. On Friday, June 7, 1912, the convention adjourned for a recess, to meet August 26 following. There were one hundred and nineteen delegates in the body.

At the conclusion of its labors the convention determined not to submit an entirely new Constitution, but such changes as it deemed proper and necessary in the form of forty-one different propositions looking to the amendment of the Constitution, and an

additional proposition on the question of licensing the traffic in intoxicating liquors. The convention was not organized or conducted on partisan lines, but rather divided on the question of so-called conservatism or progressiveness. The progressive element preponderated; so that the amendments offered are new in their nature and far-reaching in their effect. At the present writing they are being considered by the press and people of the State. According to the provisions of the method of submission, each individual amendment will be adopted or rejected by a majority of the votes cast for or against that one amendment at a special election to be held September 3, 1912.

As our narrative is concluded Ohio again occupies a conspicuous place in national affairs. President Taft was nominated for a second term by the Republican convention at Chicago, June 22, after a most exciting and bitter contest with his predecessor, Colonel Theodore Roosevelt. The aspirations of Governor Harmon for the Democratic nomination were not realized. In the pre-convention campaigns of both parties Ohio figured with much prominence. It was in Columbus, before the constitutional convention, that Colonel Roosevelt delivered the formal speech which immediately preceded the announcement of his candidacy; and both he and President Taft personally participated in the struggle for district delegates that was decided at the Republican State primaries on the 21st of May. The contest on the Democratic side did not lack for either animation or division of sentiment, the result being to the advantage of Governor Harmon, who was a candidate for the Democratic nomination for presi-

dent and for whom a majority of the Ohio delegates voted steadfastly throughout the protracted balloting at the national convention which assembled on the 25th of June in Baltimore.

Chapter XVII.

OHIO'S PART IN NATIONAL EXPOSITIONS

"EXPOSITIONS are the timekeepers of progress. They record the world's advancement. They stimulate the energy, enterprise and intellect of the people, and quicken human genius. They go into the home. They broaden and brighten the daily life of the people. They open mighty storehouses of information to the student. Every exposition, great or small, has helped to some forward step. Comparison of ideas is always educational, and as such instructs the brain and hand of man."

These words are from the oft quoted last speech of President McKinley at the Pan-American Exposition at Buffalo, September 5, 1901. It would not be possible in an equal space to more accurately or comprehensively define the theory or express the advantages of great expositions. Coming from time to time, these great formal displays of the world's products, activities and achievements afford vantage points of survey and comparison, and the more enterprising and intelligent people have been keen participants and competitors in them.

The United States has held three international expositions of the first order: At Philadelphia in 1876, celebrating the hundredth anniversary of our National independence; at Chicago in 1893, commemorating the fourth centenary of discovery of America by Columbus; and at St. Louis in 1904, marking the hundredth anniversary of the purchase of the Louisiana Territory. Of lesser rank in the respect of foreign coöperation, but yet of a thoroughly representative character and scope nationally, are to be noted the

Pan-American Exposition at Buffalo in 1901, and the Jamestown Ter-Centennial in 1907. Still another claims mention on the score of general interest, the Alaska-Yukon-Pacific Exposition at Seattle in 1909. And the list might be enlarged to include special and unique celebrations in several cities which have attracted much more than single State recognition.

But it is the purpose of this chapter only to treat of the five expositions of distinctive and national design and participation, in which the State of Ohio bore an active and official part.

The first measure of Congress authorizing the exposition in Philadelphia in 1876 was passed in the spring of of 1871. It provided for a Centennial Commission, consisting of one delegate and one alternate from each State and Territory. Under this act Alfred T. Goshorn, of Cincinnati, was appointed Commissioner for Ohio and Wilson W. Griffith, of Toledo, alternate. To Mr. Goshorn was awarded the distinguished honor of the Director Generalship of the Exposition, and upon him devolved the final responsibility for its organization and success. The Government's contribution to the financial resources of the Philadelphia Centennial was only a million and a half dollars, which, moreover, was not voted until February, 1876, and was conditioned on repayment. The funds secured from other sources (appropriation by the State of Pennsylvania and the City of Philadelphia, stock subscriptions and donations) amounted to five and a half million dollars, making all together, including the Government appropriation, a total of seven million dollars. Altogether,

WILLIAM HOWARD TAFT

Born in Cincinnati, September 15, 1857; graduated from Yale, 1878, and from the Cincinnati Law School, 1880; held local, federal and judicial offices, 1881-1900; President of the United States Philippine Commission, March, 1900, to July, 1901; first Civil Governor of the Philippine Islands, July, 1901, to February, 1904; declined appointment as Associate Justice of the United States Supreme Court, 1903; Secretary of War, February, 1904, to June, 1908, meantime acting in several capacities on behalf of the administration in Cuba and Porto Rico; twenty-seventh President of the United States, elected 1908 and inaugurated March 4, 1909.

WILLIAM HOWARD TAFT

Born in Cincinnati, Sept. 15, 1857; graduated from Yale, 1878, and from the Cincinnati Law School, 1880; held local, federal and judicial offices, 1881–1900; President of the United States Philippine Commission, March, 1900, to July, 1901; first Civil Governor of the Philippine Islands, July, 1901, to February, 1904; declined appointment as Associate Justice of the United States Supreme Court, 1903; Secretary of War, February, 1904, to June, 1908, transacting in several capacities on behalf of the administration in Cuba and Porto Rico; twenty-seventh President of the United States, elected 1908 and inaugurated March 4, 1909

force an active and official part.

The first measure of Congress authorizing the exposi
of 1871. It provided for a Centennial Commission,
consisting of one delegate and one alternate from e
and Wilson W. Griffith, of Toledo, alternate. To
Director Generalship of the Exposition, and upon hi
and success. The Government's contribution to the
a million and a half dollars, which, moreover, w
not voted until February, 1876, and was conditioned
of Philadelphia, stock subscriptions and
raising all together, including the Government app

and notably in the items of number of visitors and aggregate cash receipts, the exposition surpassed any other held in the world up to that time.

The special interests of Ohio at the Centennial were in care of the State Board of Managers, as follows: Rufus P. Ranney, of Cleveland; Governor Rutherford B. Hayes, who resigned from the Board in July, 1876; Edward F. Noyes, of Cincinnati; George W. McCook, of Steubenville; Barnabas Burnes, of Mansfield; and Ralph P. Buckland, of Fremont. These names, with the exception of that of Mr. Hayes, were signed to the report made to the General Assembly and published in 1877. For the use of the managers in representing Ohio at the exposition, the legislature made appropriations at various times aggregating $46,130. The headquarters for Ohio people, popularly known as the "Ohio Building," was constructed on the grounds of stones from thirty quarries in the State. This structure, we are told, was "conceded to be the handsomest and the best adapted for its purposes of all the State buildings," and was the only State building accepted by the Philadelphia Park Commission for preservation. The number of Ohio visitors was estimated at from 250,000 to 300,000, and on Ohio Day (October 26th) the attendance at the exposition was greater than on any other State day except that of Pennsylvania. An interesting incident of Ohio's participation in the Centennial was the visit of the Cincinnati Light Guards, who marched all the way from Cincinnati to Philadelphia.

The Ohio exhibits were noteworthy in several departments. There were extensive and instructive

displays of minerals (coal, ores, iron, stone, etc.), agricultural products, wools, farm and other machinery, pottery and art objects. An educational exhibit, involving a cost of some $8,000, attracted great interest and praise.

A unique and highly educational feature of the contributions from Ohio was the archæological exhibit. It was collected and arranged by Prof. M. C. Read and Col. Charles Whittlesey, acting as a committee of the newly organized State Archæological Society. Owing to the lack of organized and systematic archæological exploration and study on the part of the State, there existed at that time no satisfactory public collection of prehistoric objects, and it was necessary for the committee to obtain loans from various private cabinets throughout the State. Under the circumstances, the exhibit was prepared with great discrimination and thoroughness, and it was not only one of the most original and instructive features of the exposition, but it marks the first step forward taken by the State of Ohio to preserve and collect our archæological remains. The vast progress made since that period will appear when we make comparisons with more recent exhibits in this field of prehistoric culture.

On August 9, 1876, an exhaustive historical address on Ohio was delivered at the exposition by Edward D. Mansfield of Cincinnati. It was a most able and brilliant review of the progress and development of the State in a period of less than three-quarters of a century. Based upon unquestioned statistical and other standard authorities, it is of permanent value to the historical student, and we know of no equally

complete and satisfactory survey of the position attained by Ohio at the end of the first century of our National existence.

Mr. Mansfield showed that the population of Ohio in 1876 exceeded by a half a million that of all the thirteen original states in 1776, and her cities and towns contained six times as many inhabitants as all the cities of America one hundred years before. "This State," said he, "is now the third in numbers and wealth, and the first in some of those institutions which mark the progress of mankind. That a small part of the wilderness of 1776 should be more populous than the whole Union was then, and that it should have made a social and moral advance greater than that of any nation in the same time, must be regarded as one of the most startling and instructive facts which attend this year of commemoration."

In the conclusion of his address Mr. Mansfield presented a summary of its essential points, which is of so much interest for the period reviewed that it is reproduced with but slight abridgment.

"1. Ohio is, in reference to the square miles of its surface, the first State in agriculture of the American Union; this, too, notwithstanding it has eight hundred thousand people in cities and towns, and a large development of capital and products in manufactures.

"2. Ohio has raised more grain per square mile than either France, Austria or Great Britain. They raised 1,450 bushels per square mile, and 10 bushels to each person. Ohio raised 3,750 bushels per square mile, and 50 bushels to each one of the population; in other words, five times the proportion of grain raised in Europe.

"3. Ohio is the first State of the Union in the production of the domestic animals, being far in advance of either New York, Pennsylvania or Illinois. The proportion of domestic animals to each person in Ohio is 3⅓, and in New York and Pensylvania less than half that. The largest proportion of domestic animals produced in Europe is in Great Britain and Russia, neither of which comes near that of Ohio.

"4. The coal fields of Ohio are vastly greater than those of Great Britain, and we need make no comparison with other states in regard to coal or iron; for the ten thousand square miles of coal and four thousand square miles of iron in Ohio are enough to supply the whole American continent for ages to come.

"5. Neither need we compare the results of commerce and navigation, since from the ports of Cincinnati and Cleveland the vessels of Ohio touch on forty-two thousand miles of coast, and her five thousand miles of railroad carry her products to every part of the American continent.

"6. Notwithstanding the immense proportion and products of agriculture in Ohio, yet she has more than kept pace with New York and New England in the products of manufactures during the last twenty years. Her coal and iron are producing their legitimate results in making her a great manufacturing State.

"7. Ohio is the first State of the Union as to the proportion of youth attending school; and the states west of the Alleghenies and north of the Ohio River have more youths in school proportionably than New York and New England. The land grant for education was a great one, but at last its chief effort was in stimu-

lating popular education; for the State of Ohio has taxed itself tens of millions of dollars beyond the utmost value of the land grant to found and maintain a system of public education which the world has not surpassed.

"8. Above and beyond all this material and intellectual development, Ohio has provided a vast benefaction of asylums, hospitals and infirmaries and special schools for the support and instruction of the dependent classes. There is not within all her borders a single one of the deaf, dumb and blind, of the poor, sick and insane, not an orphan or vagrant, who is not provided for by the broad and generous liberality of the State and her people.

"9. Although the third in population and the seventeenth in admission to the Union, Ohio had in 1870, 6,400 churches, the largest number in any one State, and numbering among them every form of Christian worship."

In 1893, seventeen years after the Philadelphia Centennial, occurred the great World's Columbian Exposition at Chicago. On a far more ambitious and elaborate plan than its predecessor, this exposition enjoyed a correspondingly more liberal support and patronage, both from foreign nations and the American states. Its fundamental resources exceeded fourteen million dollars, contributed by the city of Chicago, stock subscriptions and souvenir coins by the Government. At the conclusion of the fair, the aggregate receipts from all sources reached the great sum of $28,150,000.

The members of the National World's Fair Commission from Ohio were William Ritchie and Harvey

P. Platt; their alternates were Lucius C. Cron and Adolph Pluemer. Mr. Platt was elected to the office of Vice-President of the National Board of Reference and Control, to which was entrusted the responsible direction of the fair on behalf of the Federal Government. A State Board of Managers had charge of the Ohio interests at the fair; of this Board the officers were, President, W. W. Peabody; Executive Commissioner, Daniel J. Ryan; Secretary, W. J. Alberson; Treasurer, L. N. Bonham. There were also Lady Managers and alternates, as follows: Managers, Mrs. Mary A. Hart and Mrs. Walter Hartpence; alternates, Mrs. Harriet T. Upton and Mrs. Asa S. Bushnell.

The Ohio Building was erected at a cost of $30,000, was colonial in style, two stories high, constructed of wood and staff. Tile roof, mantels, finishing woods, and much of the visible material were donated by Ohio producers and manufacturers. On the lawn in front of the Ohio Building stood a monument illustrative of the greatness of the State and commemorative of the part Ohio took in the great Civil War. The monument was removed from Chicago at the end of the fair and erected on the Capitol grounds at Columbus, where it is now a conspicuous feature. It is of granite and bronze, 31 feet, 4 inches high, and 14 feet in diameter at the base. On the summit Ohio is represented as a Roman matron, and beneath her are the words, "These are my jewels." Surrounding the column on which this figure stands are bronze statues of Generals Grant, Sheridan, Sherman and Garfield, Salmon P. Chase and Edwin M. Stanton. Rutherford B. Hayes was added to the group in 1894 at a cost of $5,000.

The Mines and Mining Building of Ohio was represented by a pavilion made entirely of native stone, and brick of home production; between three and four hundred varieties of Ohio stone were utilized in its walls. The larger part of the material displayed in the pavilion was from the coal mines of Ohio, and thirty different grades were shown. One block (from Perry county) in height and thickness was unequalled in the Mineral Building. Other coal regions in Ohio sent cubes two or three feet in size. Petroleum was exhibited in small glass vessels, and every form of its by-products was displayed in an interesting and instructive manner. A miniature and operating oil well formed a part of this exhibit. In addition to the State exhibit proper, a general exhibit of scientific mining was made by the Ohio State University. Pottery, iron ores, commercial clay, every product found beneath the soil of Ohio, appeared in the natural state, and, in connection with them the results of labor and skill were displayed in the finished products.

A Roman temple was built for Ohio in the Agricultural Building. The pillars, forming a part of this structure, were of hollow glass, and were filled with wheat, corn, rye and oats from the different sections of Ohio. It formed a complete exhibit of the agricultural products of the State. The interior of the building was devoted to the Agricultural Library, maps, charts, and statistics of the agricultural development and growth of the State. Eighty kinds of Ohio wood, one hundred and sixty of veneers and one hundred of medicinal trees were on exhibit in the Forestry Building. In the Manufacturers' Building a large part of the

American section was devoted to Ohio's productions, including safes, hardware, stoves, boilers, heaters, sewing machines, glass, brick, jewelry, chemicals, statuary, hollow ware, stationery, and numerous other articles.

The Department of Liberal Arts contained creditable exhibits by the Normal Schools at Lebanon and Ada, the Wilberforce and Ohio Wesleyan Universities, and Oberlin College; the Manual Training Schools at Cincinnati and Toledo also made striking exhibits, showing shop work through machinery in full operation. The general educational exhibit of the State presented the public school system in its fullest capacity. The work of pupils from every grade and from almost every school in Ohio composed this exhibit.

There were also extensive exhibits from Ohio in Machinery Hall and the Transportation Building, while the Wine Growers and Florists were extensively represented in the Horticultural Building. As at Philadelphia, there was a valuable and extensive Archæological exhibit, under the control and auspices of the Ohio State Archæological and Historical Society.

The Ohio State building was dedicated October 22, 1892. The occasion was one of the greatest functions of the exposition, and presented the only instance where a State had all of its public officials on the grounds at the same time. Present at the dedication were Governor William McKinley and all the State officials, all the Justices of the Supreme Court and all the members of both houses of the General Assembly. In addition also were United States Senators John Sherman and Calvin S. Brice. The Ohio militia was

represented by the First Cavalry troop, the Fifth, Eighth and Fourteenth Regiments, accompanied by their bands. The ceremonies of dedication consisted in the transfer of the Ohio building to the Governor. Addresses were made by Governor McKinley, Senators Sherman and Brice, and, on behalf of the Commission, by President W. W. Peabody and Executive Commissioner Daniel J. Ryan.

A complete summary of Ohio's place in this exposition is given in Governor McKinley's Message to the General Assembly, January 1, 1894. In this official review of Ohio's part in the World's Fair he says:

"It will be gratifying to the people of Ohio to know the high rank which was accorded to the products and progress of the State at the great World's Fair. The State had collective exhibits in every department of the Exposition, prepared under the auspices and at the expense of the Board of Managers. Ohio was the only State, excepting Pennsylvania, which had exhibits in every department and section of the Exposition, and was the only State which was represented by an exhibit from every one of its public institutions. In addition to these collective exhibits, the citizens of the State had more than one thousand exhibits in the different departments. Every exhibit prepared by the State took awards and won honorable recognition. The collective exhibits which received awards from the authorities of the Exposition were as follows: Agriculture, including wool, honey and maple sugar; Mining, including petroleum, coal, fire-brick, paving-brick, building-stone, lime, cement and tiling; Forestry; Historical; Archæological; Fishery; Educational, and the

various public institutions of the State. The exhibits of the individual citizens of Ohio were honorably rewarded. In the Department of Live Stock the Ohio exhibitors took 137 awards in poultry, 32 awards in cattle, 50 in sheep, and 114 in hogs. In the Department of Machinery the citizens of Ohio received 35 awards, covering such forms of manufacturing machinery as triple expansion engines, pumps and pumping machinery, hydraulic presses, etc. In the Department of Transportation the citizens of Ohio therein exhibiting took 40 premiums, covering all styles of manufactured buggies, wagons, dredging machinery, palace cars, saddlery and bicycles. In the Department of Liberal Arts the State received an award for each collective exhibit representing the common school system of the State. Awards were received by the cities of Cleveland, Columbus and Cincinnati for their public school systems, which constituted a part of the exhibits of the State. In addition to this, every public school exhibiting was adjudged an award. Private institutions of learning, including colleges and universities, together with private schools, were also recognized. One hundred and fifteen awards were received by private exhibitors from Ohio in the Department of Liberal Arts. In the Anthropological Department the exhibits of the State relative to our history and geology and archæological formation also received awards. In the Department of Mines and Mining the collective exhibit of the State received an award and 90 of Ohio's private exhibitors were recognized by awards. In the Department of Shoe and Leather, including machinery used in the manufacture of boots and shoes, seven awards

were given to the citizens of Ohio. In electricity Ohio received 10 awards. Eighty-nine awards were received by the State in pottery, furniture, etc.

"Ohio's position in this international Exposition was one which is well calculated to fill her people with pride and satisfaction. The State has made great advancement since the Centennial Exposition in 1876, which is well illustrated by the difference in the space occupied at Philadelphia and that occupied at Chicago. In 1876 the State of Ohio, in her official capacity, occupied a space, with her collective exhibit, amounting to 350 square feet. At the World's Columbian Exposition she occupied and exhibited upon 10,000 square feet."

The Pan-American Exposition at Buffalo, in 1901, was held to illustrate the progress of civilization in the Western Hemisphere, during the Nineteenth Century. The financial responsibility was sustained almost exclusively by the citizens of Buffalo, who subscribed for stock and bonds to the approximate amount of four and one-half million dollars. Ohio's appropriation of $30,000 was mainly expended for the Ohio Building, one of the finest and most admired on the ground. In the Grecian style of architecture and pure white, it stood out conspicuously among all the structures devoted to the uses of states and governments. The State was represented at the exposition by three commissioners: Samuel L. Patterson, of Waverly; W. S. McKinnon, of Ashtabula; and Charles S. Swain, of Cincinnati.

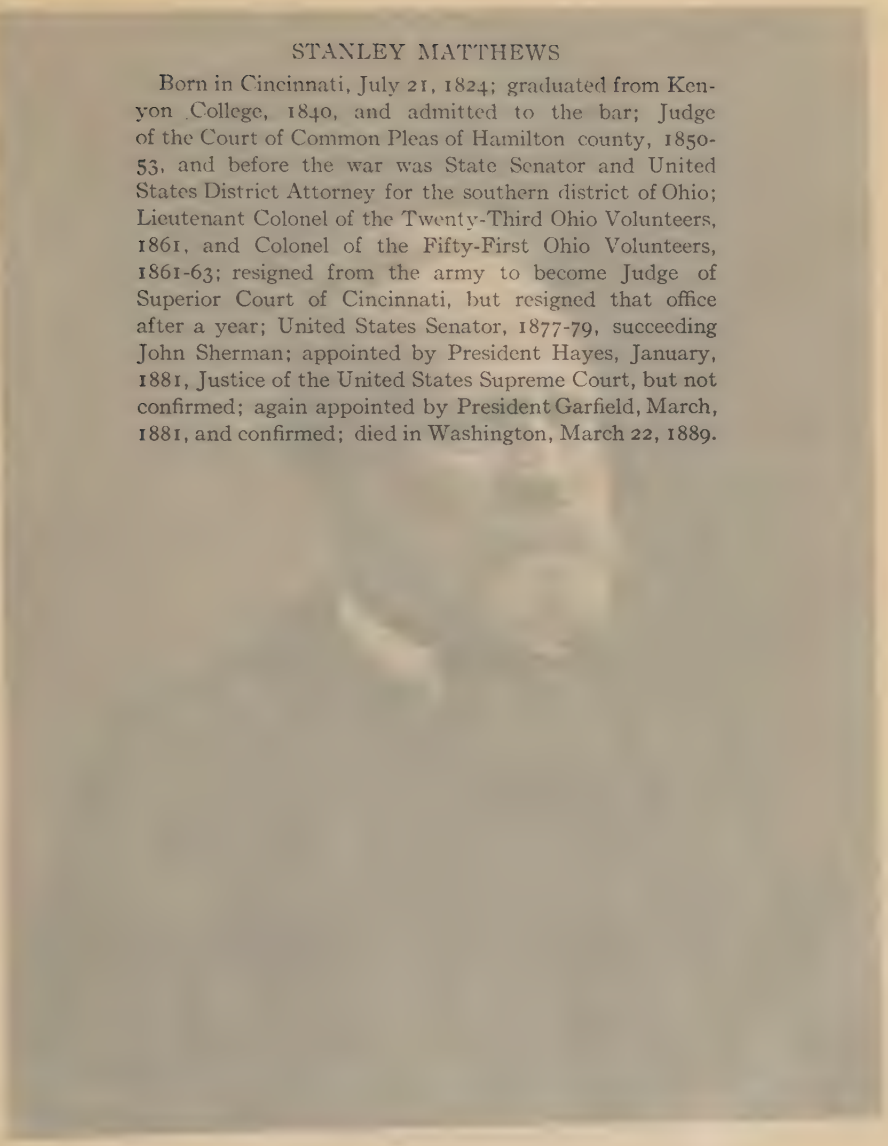
St. Louis, in 1904, rivalled Chicago's achievement of 1893. The Louisiana Purchase Exposition had the most

ample financial provision of any American exposition, a total capital of fifteen million dollars being supplied in amounts of five millions each by the City of St. Louis, the subscribers and the United States Government.

By an act passed May 12, 1902, the General Assembly of Ohio created a commission to represent the State at St. Louis, and appropriated the sum of $75,000, which two years later was increased to $87,500. The Ohio Building was erected on the southeastern end of the fair ground on that part known as the "Terrace of the States." President D. R. Francis, of the Exposition Company, especially complimented the Ohio Commission on its promptitude in completing the structure, which was ready for occupancy on the opening day of the fair. The Commissioners for Ohio were as follows: William F. Burdell, President; L. E. Holden, Vice-President; Stacey B. Rankin, Executive Commissioner; D. H. Moore, Edwin Hagenbach, M. K. Gantz, Newell K. Kennon, and David Friedman.

The following summary of Ohio's participation at St. Louis is from the United States Senate report on the Louisiana Purchase Exposition (Washington, D. C., 1906):

"While Ohio, as a State, maintained only one exhibit in the Mines and Metallurgy Building, consisting chiefly of clay and its products, over one hundred and fifty private individuals and corporations, throughout the State, added to the prominence and magnitude of the exposition by installing costly exhibits which were maintained by them at very great expense. These miscellaneous exhibits showed to very good advantage



STANLEY MATTHEWS

Born in Cincinnati, July 21, 1824; graduated from Kenyon College, 1840, and admitted to the bar; Judge of the Court of Common Pleas of Hamilton county, 1850-53, and before the war was State Senator and United States District Attorney for the southern district of Ohio; Lieutenant Colonel of the Twenty-Third Ohio Volunteers, 1861, and Colonel of the Fifty-First Ohio Volunteers, 1861-63; resigned from the army to become Judge of Superior Court of Cincinnati, but resigned that office after a year; United States Senator, 1877-79, succeeding John Sherman; appointed by President Hayes, January, 1881, Justice of the United States Supreme Court, but not confirmed; again appointed by President Garfield, March, 1881, and confirmed; died in Washington, March 22, 1889.

States." President D. R. Francis, of the

the fair. The Commissioners for Ohio were as foll

William F. Burdell, President; L. E. Holden,

President; Stacey R. Rankin, Executive C

sioner; D. H. M

Newell K. Kenn

The follow

Louis is fr

Louisiana P

Ohio, as a State, maintained only one

Mines and Metallurgy Building, con

and its products, over one hund

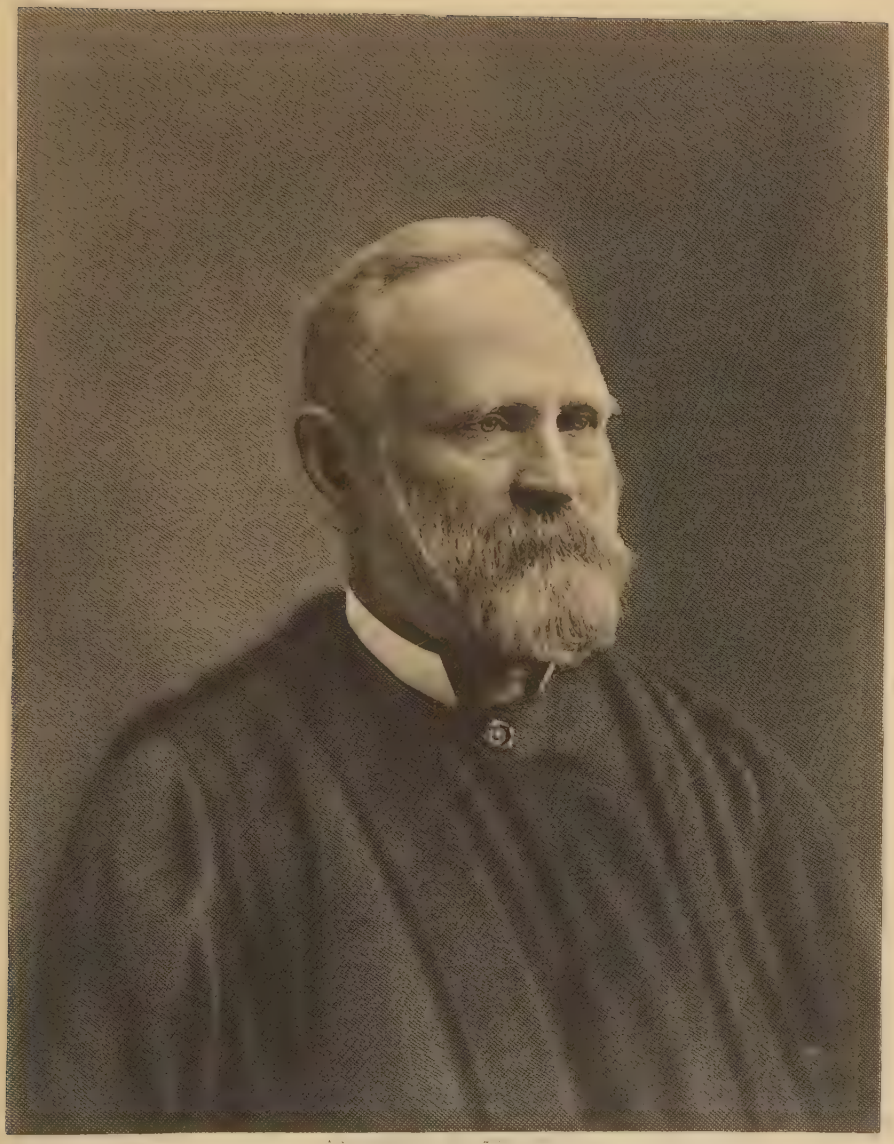
private individuals and corporations, throu

State, added to the prominence and magnitud

exposition by installing costly exhibits which

by them at very great expense.

miscellaneous exhibits showed to very good advantage



Stanley Matthews

the natural resources of the State and its diversified products. In the Palaces of Electricity, Machinery and Transportation, the State was represented remarkably well by these private exhibitors, and much credit is due to them for their attractive and interesting display. In the Liberal Arts Building, it may be correctly estimated that the Ohio exhibitors were predominant. In the Department of Anthropology, also, Ohio took the grand prize over all competitors. The display consisted principally of relics taken from the historical mounds of the State, which in themselves were very interesting. Not only was the general prize awarded for the display, but a special gold medal was presented to Prof. W. C. Mills, Librarian and Curator of the Ohio State Archæological and Historical Society, for his untiring efforts in revealing to the public of to-day the mode of livelihood and the characteristics of the oldest and most historical race of this continent."

A large and enthusiastic demonstration signalized the celebration of Ohio Day, October 6, 1904, at which addresses were delivered by Governor Myron T. Herrick, William F. Burdell, President of the Commission, David R. Francis, President of the Exposition Company, and Hon. John W. Noble, an Ohioan living in St. Louis and a former member of President Harrison's Cabinet.

Though on a much smaller scale than any of the expositions already noticed, the Jamestown Ter-Centennial in 1907 was of eminent interest and importance. According to the official reports, the receipts from all sources (appropriations, loans, stock, admissions and concessions) were, at the close, only two and one-half

millions of dollars. It should be remembered, however, that at Jamestown no attempt was made to enlist the special coöperation of foreign countries.

Ohio appropriated $75,000 for its participation, and its commission representing the State, was a follows: Braxton W. Campbell, President; Ernest R. Root, Vice-President; George W. Knight, Secretary; Stuart R. Bolin, Executive Commissioner; John P. Given, and Clive C. Handy, Commissioners.

The State Building on the grounds was a replica of Governor Thomas Worthington's home, "Adena," near Chillicothe.

The exhibits were principally from the Ohio State Archæological and Historical Society and the Ohio State University. They consisted of archælogical, mineral and ceramic displays, and were regarded as among the most attractive and meritorious features. On Ohio Day, September 11, 1907, in the presence of a very large attendance of Ohioans and citizens of other states, addresses were delivered by Governor A. L. Harris and Hon. Judson Harmon.

Chapter XVIII

STATE BANKS AND BANKING

THE early history of banks and banking in Ohio shows a wide range of theory and practice, with corresponding unfortunate experiences, until the adoption of the State Banking Act of 1845. It is well known that for the United States at large the era of generally unstable and unsatisfactory banking conditions continued many years later. The first essential of financial security is a circulating medium of uniform value and unquestionable permanent solidity, and this was not attained by the country as a whole until the National Bank system was established in 1863—and then, for the time being, only in principle. But as early as 1845 the State of Ohio, acting on its own initiative, instituted a banking policy on the soundest principles and surrounded by the surest guarantees, furnishing, says John Jay Knox in his "History of Banking in the United States," "a currency for the people not one dollar of which was ever lost by the holder thereof." In our third volume (Chapter XI) we have made passing allusion to this important measure and given a somewhat particular account of its author, Alfred Kelley. We shall presently recur to it as marking the ultimate development of the early banking situation in the State.

On the 15th of April, 1803, a month and a half after the admission of Ohio into the Union, the Legislature granted a charter of incorporation, running forty years, to the Miami Exporting Company, of Cincinnati. The credit for the inception of this company is due to Jesse Hunt, a merchant, and the primary object was to build up an organization in the trade with New Orleans which would afford the advantage of improved

transportation and lower rates. Mr. Hunt enlisted the interest of representative members of the business community and farmers, and a permanent organization was effected on March 4, 1803, at a general citizens' meeting held at Grummon's Tavern, Major William Ruffin acting as president and Samuel C. Vance as secretary. After the procurement of the legislative charter, directors were elected, June 16th, as follows: Martin Baum, Daniel Symmes, Samuel C. Vance, Christian Waldsmith, William C. Schenck, Matthew Hueston, Jesse Hunt, Daniel Mayo, William Lytle, John Bigger, and Israel Ludlow. The capital stock was of the great amount, for those times, of $500,000, shares being $100 each. That the enterprise was fundamentally for coöperative purposes is strikingly shown by the limitation of cash subscriptions to five per cent., the balance being payable in produce or manufactures, such as the president and directors might be willing to receive. The company, from the outset, cherished the ambitious design of introducing steam navigation. It purchased the unfinished boat of Samuel Heighway and John Pool, the plans for which contemplated propulsion by "steam, or elastic vapor." But owing to financial considerations the original idea was abandoned, and the boat was fitted out as a broadhorn and sent to New Orleans. For several years the company conducted a shipping business, but as the operations were not specially remunerative a change was made about 1807 to banking. This privilege was permitted by the charter.

The Miami Exporting Company, of Cincinnati, was thus the first authorized banking institution of

Ohio. It was also the first chartered bank of issue. The notes were printed on plain linen paper, of much smaller dimensions than those of the present day. They were redeemed in the notes of other banks, and were current for some forty years. The banking house was located on the Front street wharf, a hundred feet west of Sycamore street. This concern went out of existence by failure on the 10th of January, 1842.

In the first decade of the State government there were several banks organized and conducted purely as such, all of them being created by special acts, of which the main features were the same. These included the Bank of Marietta, incorporated February 10, 1808, in response to the request of Rufus Putnam, Benjamin Ives Gilman, William Skinner, and others, "the better to enable them to carry on the purposes of the institution"; the Bank of Chillicothe, incorporated February 18, 1808, with a capital of $200,000; the Bank of Steubenville, incorporated February 18, 1808; and the Muskingum Bank of Zanesville, authorized by the Legislature of 1810–11, the Western Reserve Bank of Warren, by that of 1811-12, and the Farmers and Mechanics' Bank of Cincinnati, by that of 1812-13, these last three having charters which ran only to 1818.

General banking legislation of a restrictive and more or less stringent character dates from the year 1815, when, February 8th, an act was passed "to raise revenue from the banks and to prohibit the unauthorized issuing and circulating of bank paper." This provided a four per cent. tax on dividends declared by all banks, whether incorporated or unincorporated, and stamped as illegal the issuance of notes unless authorized

by law, with the penalty of imprisonment for one year and fine not exceeding $5,000—though such banks as had begun business before January 1, 1815, were exempted from these requirements until after January 1, 1818. Supplementary acts were passed January 27, 1816, and February 23, 1816. The latter continued the charters of the Lebanon Miami Banking Company; the Bank of Cincinnati; the Urbana Banking Company; the Columbiana Bank, of New Lisbon; the Farmers and Mechanics' Bank, of Chillicothe; and the German Bank, of Wooster, and extended permission to the Miami Exporting Company to avail itself of the provisions of the statute. It also created six new banks: the Lancaster Bank, of Lancaster; the Franklin Bank, of Columbus; the Belmont Bank, of St. Clairsville; the Commercial Bank of Lake Erie, "in the village of Cleveland"; the Bank of Mount Pleasant, at Mount Pleasant; and the Bank of West Union, at West Union. All the specified banks were chartered until 1843. The tax was abolished, and in lieu of it each bank was required, on or before September 1, 1816, to set off one share to the State for each twenty-five shares of its capital stock, and to continue to do so as new stock might be created and sold.

The years following the termination of the second war with Great Britain were attended by very chaotic financial as well as general business conditions. The following is from an account of the situation at that period by Salmon P. Chase (Chase's Statutes, I, 42):

"The numerous banks which had been chartered before and during the war, and which continued to spring into existence in every part of the State, supplied

an abundant medium. Speculation, stimulated by every incentive, ran into wild and extravagant excesses. Improvements of every kind, under its strong propulsion, advanced with enormous rapidity. But this unnatural state of things could not long continue. Men who had contracted debts found, when called upon for payment, that the means were wanting. Banks which had made excessive issues found themselves unable, at all times, to redeem their paper on demand, and the currency of course began to depreciate. Things were rapidly verging to this state when the branches of the Bank of the United States, which had been chartered by congress in 1816, were established at Cincinnati and Chillicothe. These branches issued notes to a considerable amount, and the presence of this convertible paper doubtless tended to hasten the depreciation of the State currency. By receiving the notes of the State banks, also, until large quantities had been accumulated, and then calling on them to redeem their paper, the branches effectively tested the solvency of these institutions. Few could endure the ordeal. The notes of nearly all the local banks continued to sink lower and lower in the scale of depreciation, and the paper of several became absolutely worthless."

Ohio's war on the Bank of the United States, one of the most sensational incidents in our history, rivalling the famous nullification proceedings of South Carolina some years later, has been fully reviewed in the preceding volume (Chapter X.). Final adjudication of the matter was reached in 1824, when the decision of the Federal Supreme Court rendered futile the State's

antagonism to the Bank. It is interesting to note, however, that in the decisive struggle waged by President Jackson against the central bank, there was an emphatic revival of Ohio's opposition. This found expression in an act passed March 14, 1836, "to prohibit, within this State, any branch, office, or agency of the United States Bank," on the ground of the general welfare of the people of Ohio. It was made unlawful for any body corporate created by the law of the State, or for any person or persons, "to act as agent or representative for such bank, or to circulate any notes or bills, as money, issued by the Bank of the United States," and heavy fines were inflicted for violations. After the legal extinguishment of the national institution the same spirit was manifest, a new law being passed February 9, 1839, which prohibited the establishment in Ohio of "any branch of any bank" without the consent of the State. That continued in force until 1845.

Statutory measures of great variety were instituted in the thirty years following the conclusion of the War of 1812. Mere enumeration of them would be too voluminous as well as uninteresting. Their general tendency was toward more strict special regulations, clearly evidencing the prevalence and increase of all the peculiar evils which attend the banking business when not based on a definite and uniform system. As late as 1819 the cheerful practices of some bankers violative of the simplest elements of financial science are indicated by the enactment of a law which forbade the issuance or receipt by any bank or banker of bills or notes payable on a future day, and required all such

to be "payable on demand." Another act of the same year interdicted the payment or receipt of any banknote at less than the face amount; but this, certainly incompatible with the practical exchange of a characteristically shrunken medium, seems to have been considered too summary, impertinent, and distressful for the times, for it was repealed the next year. There were all sorts of laws on the subject of the minimum denomination of bills, one of which (1840) sought to solve the vexed question of unauthorized issues by the desperate expedient of prohibiting future utterances of bank paper under five dollars, with the penalty of forfeiture of charter. This was perhaps on the principle that with the elimination of the lesser denominations there would be fewer banknotes to verify as valid. The formulation of a satisfactory system of State revenue from the banks taxed the ingenuity of the Legislature and incidentally the evasive resources of the bankers, many of whom cherished a very acute distaste for all these intricate devices, and preference for the simple plan of no State tribute whatever. The allotment by the law of 1816 of one share of bank stock in every twenty-five to the sovereign people was found to be oppressive, and afterward it was a question of tax, how much, how to impose it, and principally how to collect it. Spurious bank bills (in those days euphemistically styled "unauthorized") were legion, though it is unquestionable that the proportionate number of them originating in Ohio was far less than in the other western States.

Bank failures, even in times of no particular general stress, were frequent, and while these usually resulted

from misfortune there were occasionally instances of notorious fraud, illustrating the ease and immunity with which unscrupulous manipulators could operate, and exciting wonder that the volume of dishonest transactions was not vastly greater. The most sensational case of that period was that of the Bank of Gallipolis. In 1839 a stranger, asserting that he was a capitalist from Buffalo, with two others, arrived in Gallipolis and proceeded to organize the Bank of Gallipolis. These gentlemen were very attractive in their appearance and plausible in their representations, and soon succeeded in founding the bank with a capital of $200,000. The directors authorized an issue of $175,000 of circulation, and it is said that so far as the books of the bank show that was all that was ever issued. The bank failed two years later, when it was discovered that the gentlemanly promoters had printed and issued $1,200,000 without the knowledge of the board of directors. These notes were scattered all over the south and west. As products of the engraver's and printer's art, they compared favorably with the work of the present day. Some of them are still in existence, and inquiry is frequently made as to their value.

As a matter of course there was a practically complete suspension of specie payments by the banks of Ohio in the panic of 1837. This provoked a general inquiry by the Auditor of State as to the causes, which naturally coincided with those elsewhere prevailing, and need not be recited here. A useful incident of the inquiry was the compilation of the first comprehensive bank statistics for the State. They show thirty-four

JOHN SHERMAN

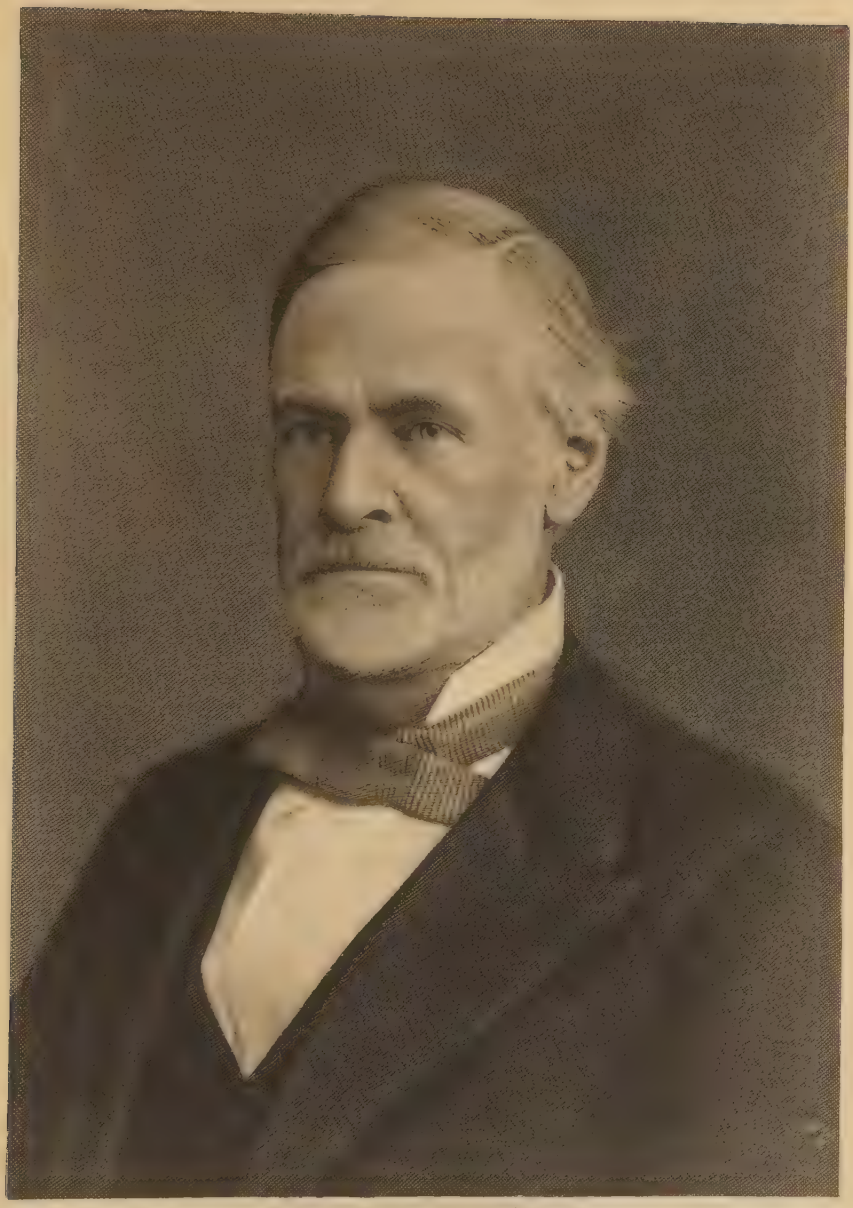
Born in Lancaster, Ohio, May 10, 1823; admitted to the bar, 1844, and engaged in practice in Mansfield; first elected to Congress in 1854, and served in the House of Representatives until promoted to the Senate, March 4, 1861; reëlected to the latter body 1867 and 1873, but resigned to become Secretary of the Treasury under President Hayes, 1877; returned to the Senate, 1881, and continued until March, 1897, when he resigned to accept the office of Secretary of State under President McKinley; resigned that position in 1898; died in Washington, D. C., October 22, 1900.

JOHN SHERMAN

Born in Lancaster, Ohio, May 10, 1823; admitted to the bar, [illegible], and engaged in practice in Mansfield; first elected to Congress in [illegible]; served in the House of Representatives until promoted to the Senate, March 4, 1861; [illegible] 1873, but [illegible] under President Hayes, 1877; returned to the Senate, 1881, and continued until March, 1897, when he resigned to accept the office of Secretary of State under President McKinley; resigned that position in 1898; died in Washington, D. C., October 22, 1900.

[illegible] very attractive in their appear- [illegible] their representations, and soon [illegible] the bank with a capital of [illegible] authorized an issue of $175,000 [illegible] is said that so far as the books of [illegible] was all that was ever issued. The [illegible] years later, when it was discovered [illegible] promoters had printed and [illegible] the knowledge of the board [illegible] notes were scattered all over the [illegible] West. As products of the engraver's and [illegible] they compared favorably with the work [illegible] are still in existence, [illegible] value.

[illegible] was a practically com- [illegible] of specie [illegible] the banks of [illegible] panic of [illegible] a general [illegible] the And[illegible] [illegible] inqu[illegible] bank [illegible]



John Sherman

reporting banks, capitalized at $13,700,000, with a paid-in capital of $11,331,618, and a circulation of $6,221,136 (December, 1837).

In 1839 a board of three State Bank Commissioners was established, each commissioner to have the recompense of three dollars a day while actually engaged in official duty, and three dollars for every twenty-five miles of necessary travel—the per diem pay to be forfeited for such time as was spent in traveling. Under this extraordinary financial arrangement it was made obligatory for the commissioners, or one of them, to annually visit and thoroughly examine, without previous notice, every banking institution in the State. Very complete powers and regulations were provided for making effective the spirit of the law.

We have seen that when the first general banking act was adopted in 1816, the banks then authorized were chartered until the year 1843. In anticipation of the expiration of the charters, the Legislature in 1842 passed a statute embodying the collective wisdom gathered from experience and reflection. The Board of Bank Commissioners was continued, and the requirements governing banks and their administration were carefully detailed.

Concerning the various institutions which sprang into existence during the period ending 1843, it is quite impossible to particularize with any completeness in a chapter necessarily restricted to outlines; and in general it is not our purpose to refer to individual banks or bankers, interesting and important though such notices would often be. A few items may appropriately be included, selected not on any definite plan

of discrimination, unless it be that of antiquity of interest. Of some of the earliest banks of the State, already mentioned, the Farmers and Mechanics' Bank of Cincinnati failed January 11, 1842. The Bank of Marietta continued business by extension of its charter until January 1, 1843, when it went into voluntary liquidation by reason of the expiration of its charter; but before its affairs had been finally closed the law of February, 1845, had been enacted, and it was succeeded by the Marietta branch of the State Bank in the same room and with the same president. In 1863, the branch bank was merged into the Marietta National Bank and continued until February 16, 1876, when it went into final liquidation. The Muskingum Bank of Zanesville had a very successful career, and continued to do business until the expiration of its charter in 1843. It is claimed for this bank that it and a bank in Pittsburg were the only ones in the United States that did not repudiate and refuse to pay their notes during the panic of 1837. The Western Reserve Bank of Warren, while not the first bank in the State, has perhaps had the longest existence. Chartered by the Legislature of 1811-12, it commenced business November 12, 1813, and by renewal of its charter continued business until December 31, 1842, when it proceeded to close up its affairs. It procured its second charter as an independent bank under the law of 1845 in July of that year; and in turn it became the First National Bank of Warren, July 31, 1863, and again renewed its charter in 1883. It still survives, and as these words are written is about to enter on the hundredth year of its consecutive business career.

The most noteworthy financial concern for magnitude of resources in the first forty years after the admission of Ohio to the Union was the Ohio Life and Trust Company, chartered February 12, 1834, on an authorized capital of $2,000,000 and located in Cincinnati with a branch in New York.

Although the general statute of 1842 marked a certain advance in public policy, it is historically significant only as the precursor of the great and beneficent law of February 24, 1845, born of the genius and patriotism of Alfred Kelley. In the report by the legislative committee of the bill drafted by Mr. Kelley, its basic principles were announced as follows: "Entire security to the bill-holder, reasonable security to dealers with the banks, and proper inducement to the capitalist, whether great or small, to invest his disposable means in banking."

The fundamental feature of the law was the provision for creating branches of the "State Bank of Ohio" in localities where the stipulations should be duly complied with. For the purposes of the act, the State was divided into twelve districts, and the maximum number of banks to be permitted in each was specified. The aggregate capitalization of the branches was placed at $6,150,000—which was not to include, however, the capital of existing banks that might be authorized to continue business by accepting the conditions of the act. No branch could have a capital of less than $100,000, and a Board of Control of the branches collectively was erected, with carefully prescribed duties. The ratio of note circulation was fixed at not more than $200,000 on the first $100,000 of capital,

and rapidly diminishing amounts on specified totals of capital above that minimum. Each branch was to pay ten per cent. of its circulation to create a safety fund; was to have on hand at all times in gold or silver coin or their equivalent (one-half at least of which should be such coin in its vaults) an amount equal to not less than thirty per cent. of its outstanding notes; and in case of refusal to redeem its notes was to be held insolvent. The insolvency of any branch was to be neutralized by contributions of all the other branches, in proportion to their circulation, to a fund for redeeming the notes of the failed institution. There were the strictest arrangements for the minutiæ of operation and for State supervision.

Apart from the branches of the State Bank, "independent" banking companies, also with privileges of issue, were authorized. The minimum capital for an independent bank was $50,000, to be wholly paid in certificates of funded debts of Ohio or the United States, and the specifications for conduct, security and redemption of issue, and State superintendence were exceedingly precise.

Under this measure Ohio flourished until the National Bank Act came into effect. In 1851, after six years of successful trial of the dual State Bank and independent system, it was deemed not injudicious to concede the privilege of "free banking" with proper and abundant restrictions. The new Constitution of the same year contained the conservative provision that all legislative acts "authorizing associations with banking powers" should be submitted to the people for approval. In 1857, the general panic bore severely upon

the Ohio banks, a sensational incident being the failure of the Ohio Life and Trust Company, attributed to some irregularity in its New York office.

Savings banks, those institutions of the people now so widespread and powerful, did not originate in Ohio until just before the close of the first half of the nineteenth century. The first authorized one in the State is the still extant Society for Savings, of Cleveland, which was incorporated by the Legislature March 22, 1849; and three others received charters during the same session—the Hocking Valley Savings Institute, at Logan; the Savings Fund Society, at Woodsfield, and the Pickaway County Savings Institute, at Circleville. It is said that the Cleveland Society for Savings sprang from a suggestion by Charles J. Woolson in a private conversation with Samuel H. Mather, both these gentlemen being from New England and familiar with the operations of savings concerns there. The first deposits of the Cleveland Society were received August 2, 1849, and at the end of two and one-half years the amount on deposit was stated to be $80,452, and the number of depositors 484. With the growth of the institution ardent hopes for the future began to be cherished, and one trustee ventured to express the daring belief that "the time would come when the deposits would amount to $300,000." The statement of the Society furnished to the State Superintendent of Banks on September 25, 1911, showed deposits of $54,033,626.06, and resources of $58,138,568.95.

Upon the enactment of the National Bank Act, the banks of Ohio were constrained by the prohibitive tax on State circulations to abandon their independent note

issuing functions. The majority adapted themselves to the new conditions as quickly as possible, became National banks, and contributed their proportionate volumes to the general currency of the country. Of the sixty-six National banks organized in the United States during the first year of the new system (1863), twenty were in Ohio. We have already (Volume III, Chapter XI.) adverted to the marked similitude of the National Bank legislation to the Ohio State Bank Act of 1845. Indeed, by the acknowledgment of all authorities, the banking scheme which has with such certainty safeguarded the financial integrity of the Nation for sixty years, was in its origin but an adaptation of the plan seen to be so sound and sufficient in Ohio.

The banking history of Ohio since 1863 would justify considerable attention in any work specialized to financial and economic subjects, or to general material development. It is a record of uniform progress along thoroughly established lines, with few aspects to engage the general historian except those of its wonderfully increasing magnitude and its comprehensive satisfaction.

The banks of today are of four classes (not including trust companies and building and loan associations)—1. National banks, which alone have the power of issue. 2. State banks, doing a general banking business under State charters. 3. Savings banks. 4. Private banks.

According to the report of the Comptroller of the Currency for 1910, there were, on the 31st of October of that year, 382 National banks in operation in Ohio, with an outstanding circulation of $47,902,701.

The State banks are under the supervision of a State department of banks and banking. February 20, 1912,

there were 502 of these institutions, having total resources of $524,722,855.12 and capital stock paid in of $41,524,060.75. The item of savings deposits, $257,906,059.33 represented nearly half of their liabilities.

No complete savings statistics are obtainable for all the banking institutions of the State, as these institutions include National banks and building and loan concerns, which do not make separate reports of their savings business. The savings accounts constitute, in the aggregate, a factor of tremendous financial importance and vast public utility.

Private banks are those operating without many of the restraints which govern the incorporated institutions. They are numerous, but as they are not required to make regular reports no data can be given for them.

Since 1908, all the banking institutions of the State, except National and private banks, have been under the supervision of a State Superintendent of Banks, with an adequate force of examiners and other expert assistants. The powers vested in the banking department are very extensive and detailed, and, so far as examinations are concerned, are regarded as even more effective than those which govern the National institutions. The authority of the department extends not only to all State incorporated banks and savings banks, but to trust and safe deposit companies, not including, however, building and loan associations, which are under the superintendence of another State department. Annual reports, published by the Superintendent of Banks, show the condition in detail of every concern within the scope of the department.

Chapter XIX

HISTORY OF LIQUOR LEGISLATION IN OHIO

THE regulation of the sale of intoxicating liquors has been an important question from an economic standpoint in the State of Ohio from its very beginning. It is the purpose herein to narrate the progress of legislation on that subject. It divides itself into six leading features or policies. These may be stated as follows:

First. The license system, which was inaugurated in 1792, under the Territorial Government, and continued until the adoption of the Constitution of 1851.

Second. The prohibition of the sale of spirituous liquors to be drank at the place where sold, beginning in 1851 and lasting until 1883, coupled with provisions for the recovery of damages resulting from sales of liquors; the latter feature being still in force.

Third. The authority conferred upon councils of municipal corporations to regulate, restrain and prohibit tippling places, from 1852 to 1902.

Fourth. The taxation of the liquor traffic, beginning in 1882.

Fifth. Local option, inaugurated in 1888.

Sixth. Legislation prohibiting the sale of intoxicating liquors on Sunday.

To these may be supplemented a class of general legislation applicable to all these subdivisions, and having for its object the proper and rigid enforcement of the law.

It was the policy of the Northwest Territory to regulate the liquor traffic by license. The statutes of the Territory, in the beginning of the Territorial Government, were not enacted by a legislative body. The Ordinance of 1787, which provided for the government

of the Territory Northwest of the River Ohio, entrusted to the Governor and the three judges the power and imposed upon them the duty, in the interval between their appointment and the election of the first Territorial Legislature, of adopting and publishing such laws, both civil and criminal, as might be "best suited to the circumstances of the district." That interval lasted from the date of the appointment of the Governor and judges, October 5, 1787, until the meeting of the first Territorial Legislature, February 4, 1799, a period of more than eleven years.

The first liquor license law was adopted by Judges Symmes and Turner, and Winthrop Sargent, Secretary of the Territory, acting as Governor, August 1, 1792. (1 Chase's Stat. 114.) The Governor was required to appoint one or more commissioners for each county, whose function it was to grant licenses. The license commissioners had authority to license as inn and tavern keepers, and also retailers of spirituous liquors, such persons as the justices of the General Quarter Sessions of the Peace, in their wisdom, deemed well qualified in person and character, well provided in accommodation and well situate in point of residence, for the accommodation of travelers and citizens, and the convenience, comfort and use of the public.

The term of the license was one year and the license fee was sixteen dollars, for the use of the county. The licensee was required to display on a sign, outside his place of business, his name, his business and the legend, "by authority a tavern," or "by authority a retailer," as the case might be. If a licensed inn or tavern keeper neglected to perform his duty in providing good and

GEORGE HUNT PENDLETON

Born in Cincinnati, July 25, 1825; admitted to the bar, 1847; member of the State Senate, 1854-55; member of Congress, 1857-65; Democratic candidate for Vice-President, 1864; United States Senator, 1879-85; Minister to Germany, 1885-89; died in Brussels, Belgium, November 24, 1889.

GEORGE HUNT PENDLETON

Born in Cincinnati, July 25, 1825; admitted to the bar, 1847; member of the State Senate, 1854-55; member of Congress, 1857-65; Democratic candidate for Vice-President, 1864; United States Senator, 1879-85; Minister to Germany, 1885-89; died in Brussels, Belgium, November 24, 1889.

[illegible] such [illegible] suited [illegible] interval [illegible] governor [illegible] of the [illegible] Legislature, [illegible] period of more than eleven years.

The first liquor license law [illegible] by Judges Symmes and Turner, and Winthrop Sargent, Secretary of the Territory, acting as Governor, August 1, 1792. (1 Chase's Stat. 114.) The Governor was required to appoint one or more commissioners for each county, [illegible] The [illegible] commissioners had authority [illegible] as inn and tavern keepers, and also retailers of [illegible] liquors, such persons as the justices of the General Quarter Sessions [illegible] person and character, well provided in accommoda- [illegible] accommodation of travelers and citizens, and the convenience, comfort and use of the public.

The term of the license was one year and the license fee was [illegible] dollars, for the use of the county. The licensee was [illegible] to display on a sign, outside his place of business, his name, his business and the legend, "by authority a tavern," or "by authority a retailer," [illegible] neglected to perform his [illegible] in providing good and

wholesome food for man and beast, and keep liquors of a good and salutary quality, and suitable lodgings for guests in a reasonable and proper manner according to the common usage and custom of well kept taverns in an inland country, or if an innkeeper or retailer permitted any evil practice or gambling, his license might be revoked, upon complaint, at the next Quarter Sessions.

The innkeeper or retailer could not maintain an action for more than two dollars to recover for liquors furnished in quantities of less than one quart, against any person living within five miles. If the amount of the claim or demand exceeded two dollars, a non-suit was entered which operated as a release and forfeiture of the excess.

The penalty for selling wine, brandy, rum, geneva whiskey or ardent spirits, in a less quantity than one quart and that delivered and carried away from the place of sale all in one vessel so that it be not drank at the place of sale, without a license, was five dollars for each offense, one-half of which went to the informer if proved by the testimony of a third person.

The fees of the justices for recommending the license was one dollar, which might be paid in Indian corn at the rate of one quart of corn for each cent. (1 Chase's Stat. 135, 137.)

Another license law was adopted, at Cincinnati, by Governor St. Clair and Judges Symmes and Turner, June 17, 1795 (1 Chase's Stat. 165), taken from the statutes of Pennsylvania, "to license and regulate taverns."

Its purpose was stated to be for "preventing disorders and the mischiefs that may happen by multiplicity of public houses of entertainment."

The license was issued by the Governor of the Territory upon recommendation of the justices in their courts of General Quarter Sessions of the Peace. Before the recommendation was made by the justices, the applicant was required to give bond in not exceeding three hundred dollars that he would at all times be of good behavior and observe all the laws relating to innkeepers and tavern keepers in the Territory, including the requirement to provide and furnish good entertainment and accommodation for man and horse. There were penalties against keeping a public inn, tavern, ale-house or dram shop, or public house of entertainment, without a license; for suffering any disorder, drunkenness or unlawful games; for receiving, harboring or trusting any minor under the age of twenty-one years, or any servant. A third conviction resulted in a revocation of the license and incapacity thereafter to keep a public house or inn.

Credit was not to be extended to any person for liquors sold at retail, beyond the sum of three dollars, and no recovery could be had in excess of that amount. The annual license fee was sixteen dollars, four dollars of which went to the Governor.

The first Territorial General Assembly convened at Cincinnati, September 16, 1799, and thereupon the legislative powers of the Governor and judges, under the Ordinance, terminated.

On December 6, 1800, the Legislature passed an act (1 Chase's Stat. 293), entitled "an act to establish and

regulate taverns and public houses of entertainment," and the license law of June 17, 1795, was repealed.

It differed from the former law in a number of important respects. The justices of the Court of General Quarter Sessions of the Peace, instead of the Governor, were authorized, "if in their opinion the applicant be a fit person and that the convenience and necessity of the public require it, and not otherwise," and then only upon recommendation of twelve freeholders of the county, to grant a license to keep an inn, tavern or public house of entertainment, for a period of one year.

It provided that whoever, without a license, sold any wine, rum, brandy, whiskey or other spirits, or strong water, by less quantity than one quart, or any cider of less quantity than one gallon, upon indictment and conviction be fined twenty dollars. If a licensed person suffered any disorders, drunkenness or reveling, he was liable to a penalty of eight dollars for the first offense and for the second offense his license was required to be revoked. If he continued his house after such revocation, the penalty was three dollars for each day of the offending. If he knowingly permitted any kind of betting or gaming for money or other thing, he was subject to a forfeiture of twenty dollars, his license was declared null and void and the offender rendered incapable of being again licensed as a public housekeeper for one year thereafter. There was a forfeiture of ten dollars for receiving, harboring, entertaining or trusting any minor under the age of twenty-one years, or any servant, knowing them to be such.

Tavern and innkeepers were required to provide and furnish good entertainment for man and horse, under penalty of five dollars for the first offense and eight dollars for every succeeding offense.

The license fees, in addition to the court costs, were four, eight or twelve dollars, at the discretion of the justices issuing the license, who were required to pay special attention to the circumstances of the place where the public house was intended to be kept, by estimating the probable advantage that might arise to the applicant and the utility which the public might derive from the establishment; but no discrimination was permitted between the prices of licenses granted to persons living in the same city, borough, town or village.

These were the only acts adopted upon the subject under consideration at the second stage of the Territorial Government.

The Constitution was adopted in 1802, and on March 1, 1803, Ohio attained to statehood, and on this date the first General Assembly of the State met at Chillicothe.

On February 1, 1805 (1 Chase's Stat. 467), an act was passed which provided that no person should be permitted to keep a tavern, or sell, barter or deliver, for money or other article of value, any wine, rum, whiskey, or other spirits or strong drink, by less quantity than one gallon, without a license obtained from the associate judges of the county, or a permit from the clerk thereof in the recess of the court, on application by petition of twelve householders of the townhsip and of the neighborhood; and the applicant was

required to advertise his intention to make the application in three of the most public places in the township at least thirty days, and keep an advertisement of the same on the courthouse door, during the first two days of the term of court. The licenses were issued for the period of one year.

The county commissioners were required, at their annual meeting in June, to fix the price of tavern licenses, which were not to be less than four or more than twelve dollars, and have special regard to the situation and circumstances of the place, the probable advantage that might arise to the person licensed and the utility to the public, but no discrimination was permitted between persons in the same city, borough, town or village, or on the same road through a township.

Every licensed tavern keeper was required to provide and furnish good, suitable entertainment and accommodation for man and horse, under liability in damages not exceeding ten dollars, but he was not required to entertain any person in the neighborhood whose situation was not such as reasonably to require entertainment.

If the licensee knowingly permitted any sporting or rioting on his premises, on the Sabbath, or at any time permitted any gaming or betting, or suffered any disorders, reveling or drunkenness, he was subject to a fine not exceeding twenty dollars, and his license thereupon became void and the offender rendered incapable of being again licensed for one year thereafter.

The tavern license law was reënacted February 8, 1810 (1 Chase's Stat. 668), the only substantial change

from the former act on the subject, of February 1, 1805, being in transferring the power to issue the licenses from the associate judges to the Court of Common Pleas.

On January 5, 1819 (2 Chase's Stat. 1046), the license law was again revised and reënacted. It provided that all applications to license taverns should be made to the Court of Common Pleas of the county. The applicant was required to produce a recommendation, in writing, subscribed by twelve or more reputable landowners, residing in the neighborhood, that the applicant was a suitable person. Upon the application and recommendation having been read in open court, and no objection being made thereto, and the court being satisfied of the truth of the facts alleged, the license was required to be issued, for the term of one year, upon the payment of the license fee, to be fixed by the court at a sum not less than five dollars or more than thirty dollars.

No person could be licensed to keep a tavern within the limits of any town, or within two miles thereof, unless he made it appear to the satisfaction of the court that he was provided with a good house, containing at least four rooms and three fireplaces, and furnished with at least four beds, and that he was provided with a good stable, divided into at least six stalls.

It was unlawful for a tavern keeper to sell upon credit, to any person resident of the county, or within ten miles of his tavern, liquor of any kind to a greater amount than fifty cents, and he could not recover a greater amount in a suit against such person, but that provi-

sion did not apply to a distiller or storekeeper. Justices of the peace were prohibited from holding their courts at a tavern, and a tavern keeper who permitted such holding of the court was liable to a penalty not exceeding twenty dollars. If the tavern keeper permitted or allowed any rioting, reveling or drunkenness in or about his house, he was subject to a penalty not exceeding fifty dollars and a suspension of his license for the period of four months.

If a person other than a tavern keeper sold or retailed any kind of spirituous liquors to be drank at the place where sold, he was liable to a penalty of twenty dollars. The act provided that it should not be construed to deprive any incorporated town of the privilege of licensing taverns conformably to its charter, but such licenses were required to be recommended and provided as prescribed in the act.

The tavern license law was again revised and reënacted, February 25, 1820 (2 Chase's Stat. 1141), the changes in the act of 1819 being the requirement of thirty days' notice of intention to make application for a license, by advertisement in three of the most public places in the township, the prevention of sales of liquor in less quantity than one quart by persons other than licensed tavern keepers, and the omission of the provision relating to extension of credit to customers.

On February 6, 1824 (2 Chase's Stat. 1427), the tavern license fee was changed to a sum not less than five dollars or more than forty dollars, and a license, once granted, upon expiration, could be renewed without notice or petition.

On January 28, 1829 (3 Chase's Stat. 1617), an act was passed providing for the licensing of grocers, who were permitted to retail spirituous liquors. The methods of application for and granting the license were similar to those provided with respect to tavern keepers. The license fee was from five to fifty dollars.

On March 3, 1831 (3 Chase's Stat. 1825), the law relating to tavern licenses was again revised and reënacted. It provided that no person should keep a tavern without a license from the Court of Common Pleas of the proper county. Applications were required to be in writing, signed by the applicant, stating the place where the tavern was proposed to be kept. The applicant was required to produce satisfactory evidence that he had given twenty days' previous notice, by advertisement set up in three of the most public places in the township or neighborhood of his intended application.

The court was authorized to grant the license upon being satisfied that the required notice had been given and by the testimony of one or more credible witnesses, present in court, that the tavern was necessary at the place, for the public convenience, that the applicant sustained a good moral character, was provided with suitable accommodations and was a suitable person to keep the same.

If ten or more reputable freeholders of the neighborhood protested, in writing, against granting the license, stating therein the reason why, in their opinion, the license should not be granted, a hearing was had, process being issued for the attendance of witnesses. The court thereupon passed upon the matter and either

granted the license or renewal or refused the same. If the license was allowed, the county paid the costs of the hearing, otherwise they fell on the applicant.

The court fixed the license fee at not less than five dollars or more than forty dollars, having regard to the applicant's situation for business. The same formalities applied with respect to renewals, except that the notice was dispensed with. The license was forfeited, not to be renewed for the space of twelve months, upon conviction of the tavern keeper for having permitted or allowed any rioting, reveling, gambling, intoxication or drunkenness in or about his premises. And the grocers' license act of 1829 was repealed.

On February 25, 1833 (3 Chase's Stat. 1936), the tavern license law was so amended as to permit the granting of a license to a tavern keeper to keep a tavern without authority to retail ardent spirits, the license fee being fixed at not less than two or more than twenty dollars. This act was popularly known as the "dry license" law.

An act explaining and defining the meaning of the license act of 1831 was passed February 24, 1834 (1 Curwen's Stat. 121), which provided that no person, except persons who might reside in cities, towns or villages, or within one mile thereof, should be deemed or held to be the keeper of a tavern, unless such person kept liquors for the purpose of sale, barter or to be offered gratuitously, to any person resorting to such house.

The fact that the judges of the Supreme Court of the State, in the case of *Curtis vs. State* (5 Ohio Rep. 324), had been equally divided in opinion on the

question whether a public house of entertainment in which no liquor was kept was a tavern, is supposed to have led to the foregoing enactment.

On February 17, 1836 (1 Curwen's Stat. 159), the penalty for a tavern keeper permitting any kind of rioting or reveling, intoxication or drunkenness in his house or on his premises, was increased to a sum not to exceed one hundred dollars, and upon conviction thereof his license was forfeited, not to be renewed for the space of one year.

An act passed March 15, 1839 (1 Curwen's Stat. 548), confined the sale of spirituous liquors by tavern keepers to the common bar of the tavern, and if sales were made in the basement or in any other room of the building, the tavern keeper was liable to the same penalties as though he had no license.

On March 7, 1842 (2 Curwen's Stat. 899), the power conferred by their charters, or otherwise, upon all cities, boroughs, and villages in the State, to license grocery or coffee houses, or in any manner to authorize the retailing of spirituous or intoxicating liquors, or to license any house of public entertainment, was taken away and repealed.

An act was passed February 2, 1845 (2 Curwen's Stat. 1076), authorizing the court to refuse a petition to license a tavern, whether the same be remonstrated against or not.

The license system for the retailing of spirituous liquors, which had been the legislative policy for almost sixty years, came to an end upon the adoption of the Constitution of 1851. For much the greater part of that period the sole retailer was the licensed tavern keeper.

When the instrument formulated by the delegates to the Constitutional Convention of 1851 was submitted to the electors for adoption or rejection, at an election held on the third Tuesday of June, 1851, an additional section was separately submitted, which, if adopted, was to become a part of the Constitution. That section was as follows:

> "No license to traffic in intoxicating liquors shall hereafter be granted in this State; but the General Assembly may, by law, provide against evils resulting therefrom."

The election on that proposition resulted:

License to sell intoxicating liquors, no	113,237
License to sell intoxicating liquors, yes	104,255
Majority against license	8,983

So the section was adopted and became a part of the Constitution.

The question of calling a Convention to revise, alter or amend the Constitution having been automatically submitted, in 1871, to the electors, as provided by the Constitution of 1851, and having been carried in the affirmative, delegates were elected thereto who convened at Columbus in May, 1873, and after some months of deliberation adjourned to Cincinnati and completed their labors in May, 1874. The new instrument was submitted for the ratification or rejection of the people at a special election held August 18, 1874.

With it were submitted a number of propositions to be voted on separately, among which were the following:

FOR LICENSE

"License to traffic in spirituous, vinous or malt liquors, under such regulations as shall be prescribed by law, may be granted; but this section shall not prevent the General Assembly from passing laws to restrict such traffic, and to compensate injuries resulting therefrom."

AGAINST LICENSE

"No license to traffic in intoxicating liquors shall be granted; but the General Assembly may, by law, restrain or prohibit such traffic, or provide against evils resulting therefrom."

The vote on these propositions was as follows:

Against license	179,538
For license	172,252
Majority against license	7,286

The submitted Constitution itself failed of the necessary majority of votes.

At the general election held on the second Tuesday of October, 1883, two propositions to amend the Constitution, relating to the traffic in intoxicating liquors, were submitted for adoption or rejection by the electors. They were:

REGULATION AND TAXATION OF THE LIQUOR TRAFFIC

"The General Assembly shall regulate the traffic in intoxicating liquors so as to provide against evils resulting therefrom; and its power to levy taxes or assessments thereon is not limited by any provision of this Constitution."

CALVIN STEWART BRICE

Born in Denmark, Ohio, September 17, 1845; graduated from Miami University; served in the army a year during the Civil War; admitted to the bar, but devoted his energies principally to financial affairs; elected chairman of the Democratic National Committee, 1888; United States Senator, 1891-97; died in New York City, December 15, 1898.

such regulations as shall be prescribed by law, may [illegible] but this section shall not prevent the General Assembly from passing laws to restrict such traffic, and to compensate injuries resulting therefrom."

AGAINST LICENSE

"No license to traffic in intoxicating liquors shall be granted, but the General Assembly may, by law, restrain or prohibit such traffic, or provide against evils resulting therefrom."

The vote on these propositions was as follows:

Against license	179,538
For license	172,252
Majority against license	7,286

The submitted Constitution itself failed of the necessary majority of votes.

At the general election held on the second Tuesday of October, 1883, two propositions to amend the Constitution, relating to the traffic in intoxicating liquors, were submitted for adoption or rejection by the voters. They were:

REGULATION AND TAXATION OF THE LIQUOR TRAFFIC

"The General Assembly shall regulate the traffic in intoxicating liquors so as to provide against evils resulting therefrom, and its power to levy taxes or assessments thereon shall not be limited by any provision of this Constitution."

William T. Price

PROHIBITION OF INTOXICATING LIQUORS

"The manufacture of and the traffic in intoxicating liquors to be used as a beverage are forever prohibited; and the General Assembly shall provide by law for the enforcement of this provision."

The Constitution requires proposed amendments to be submitted at an election for senators and representatives, and a majority of the electors voting at such election voting in favor of a proposition are necessary to adopt it.

The total vote cast at the election in 1883 was	721,310
Vote necessary to adopt either proposition.....	360,656

The vote was:

Regulation and taxation, yes.....	99,238
Prohibition, yes.....	323,129

So both propositions failed of adoption.

Numerous acts upon the general subject of intoxicating liquors, aside from those which related to licensing the traffic, were passed, both during the territorial period as well as after the admission of the State into the Union; and occasionally they afford some insight into the character, life and customs of the people at the periods of their adoption.

Among the early acts adopted by the Governor and judges, was a statute, published at Marietta, September 6, 1788 (1 Chase's Stat. 97), entitled "a law respecting crimes and punishments." It is distinguished as being the first law enacted west of the Allegheny mountains relating to intoxicating liquors, and it contained, as well, the first Sunday law.

Section 20 of the act provided that any person convicted of drunkenness should, for the first offense, be fined the sum of five dimes, and for each succeeding offense the sum of one dollar, and in either case, upon failure to pay the fine, the offender was to be set in the stocks for the space of an hour. The complaint, however, had to be laid within two days after the commission of the offense.

Experience had taught the pioneer that the savage nature and instincts of the Indian were so intensified and inflamed by intoxicants that safety demanded that the furnishing of liquor to the Indians be most rigorously prevented.

Naturally, the second liquor law adopted by the judges and acting Governor of the Territory was upon that subject. It was passed at Vincennes, July 19, 1790 (1 Chase's Stat. 103). It recited the abuses and dangers to the lives, peace and property of the people of the territory which had arisen by reason of traders and other persons furnishing spirituous and other intoxicating liquors to the Indians, and provided that whoever sold or furnished, either directly or indirectly, any rum, brandy, whiskey or other intoxicating liquor or drink to any Indian, or tribe of Indians, should forfeit and pay, for every quart of such liquor so furnished, the sum of five dollars, and for any quantity furnished at one time, less than a quart, the sum of four dollars, one-half thereof to go to the informer. The act was repealed, however, July 14, 1795 (1 Chase's Stat. 191), for the reason, as stated, that the same was supplied by act of Congress.

On July 20, 1790 (1 Chase's Stat. 104), an act was passed making it an offense for any person, within ten miles of any encampment, post, fort or garrison, or hospital for the convalescents thereof, to give, sell, exchange or furnish to any non-commissioned officer or private soldier belonging to the regular troops in the service of the United States or of the Territory, any spirituous or other intoxicating liquor or drink, without an order previously obtained from a commissioned officer serving with the same troops, under a forfeiture of two dollars for every gill of liquor so furnished without such order. This act, also, was repealed in the same act which repealed the Indian law.

The first Territorial General Assembly convened at Cincinnati, September 16, 1799, and thereupon the legislative powers of the Governor and judges, under the Ordinance, terminated. On December 2, 1799 (1 Chase's Stat. 227), the General Assembly passed "an act for the prevention of vice and immorality," which, among many other things, provided that whoever, being of the age of sixteen years or upwards, was found in the public highway, or in any house of public entertainment, intoxicated by excessive drinking of spirituous, vinous, or other strong liquors, or making or exciting any noise, contention or disturbance, should, by any justice of the peace, on complaint or view, be committed to the county jail for a period not exceeding forty-eight hours, and if the offense was committed at a greater distance than five miles from the jail, the offender should be committed to the custody of a constable to be by him confined in any proper and convenient place for the like term.

Section 4 of an act for the prevention of immoral practices, passed February 14, 1805 (1 Chase's Stat. 503), provided that if any person, being intoxicated, was found making any noise, contention or disturbance at any tavern, court, election or other meeting of citizens, he should be fined not exceeding two dollars, and, if necessary, imprisoned until such court, election or meeting was over.

On February 17, 1809 (1 Chase's Stat. 636), an act was passed to prevent the sale of liquors to Indians. It made it an offense to sell or barter to an Indian within the State, or convey with intent to dispose of the same out of the State, any spirituous or other liquid of intoxicating quality, unless authorized by proper authority. The penalty was a fine not exceeding one hundred dollars or less than five dollars and the restoration of any article received from an Indian in exchange for liquor.

An act passed January 25, 1810 (1 Chase's Stat. 652), prohibited the exposition, sale or offer of sale, at any place where any religious society of people were collecting or collected together for the purpose of religious worship, or within one mile thereof, of any spirituous liquor, cider or beer, the offender being subject to a fine not exceeding ten dollars.

A general revision of the laws relating to crimes and punishments, passed February 10, 1824 (2 Chase's Stat. 1342), contained, section 19, a provision that whoever sold or bartered any spirituous or other liquors of an intoxicating quality to an Indian should be fined not exceeding one hundred dollars or imprisoned in the cell or dungeon of the jail and be fed on bread and

water only not exceeding ten days, or both, but a tavern keeper was permitted to sell to traveling Indians not exceeding one gill to each Indian.

An act passed March 26, 1841 (1 Curwen's Stat. 785), prohibited the sale of spirituous or other liquors within a distance of two miles from the place where any religious society or people were collecting or collected together for religious worship in any field or woodland, but the act did not apply to tavern keepers and distillers at their usual places of business within the proscribed limit. The penalty was not less than five or more than fifty dollars.

The next distinctive legislative policy of the State was the prohibition of the sale of intoxicating liquors to be drank at the place where sold, and to minors and intoxicated persons or those in the habit of becoming so. It began in 1851 and, in varying form, remained upon the statute books until 1883, when, the policy of taxing the traffic in liquors having been inaugurated, the prohibition of sales of liquors to be drank at the place where sold was abandoned and that feature of the law repealed. The statutes on the subject, for many years after their first enactment, were rigorously enforced, but gradually, and long before their repeal, they had, especially in the cities, fallen into complete disregard and failure of enforcement.

On March 12, 1851 (2 Curwen's Stat. 1649), an act was passed making it an offense, punishable by a fine not exceeding twenty dollars, to sell spirituous liquors to be drank at the place where sold, or in less quantity

than one quart, or to a minor under sixteen years of age; but sales for medicinal and pharmaceutical purposes were permitted.

The Supreme Court, in the case of *Hirn vs. State* (1 Ohio State Rep. 15), held that the act did not apply to persons previously licensed to sell liquors during the remaining period of their licenses.

This act, which foreshadowed the legislative policy so long to continue, was passed after the Constitutional Convention of 1851 had completed its labors and while the instrument was before the people for ratification.

Three years after the adoption of the Constitution, in the exercise of the authority conferred by the added section inhibiting the granting of licenses, to provide against evils resulting from the traffic in intoxicating liquors, the General Assembly passed the act of May 1, 1854 (4 Curwen's Stat. 2669), whereby it was made unlawful for any person to sell, in any quantity, intoxicating liquors to be drank in, upon or about the building or premises where sold.

It was made unlawful to sell intoxicating liquors to minors, unless upon the written order of their parents, guardians or family physician, or to sell to persons intoxicated or in the habit of getting intoxicated. Every person found in a state of intoxication was to be fined five dollars and imprisoned not less than one or more than three days.

Every person who, by the sale of liquors contrary to the provisions of the act, caused the intoxication of another person, was rendered liable to pay a reasonable compensation to any person who took charge of and provided for such intoxicated person, and in

addition one dollar for every day he was kept in consequence of the intoxication, to be recovered in a civil action. In addition, every wife, child, parent, guardian, employer or other person injured, in person or property or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, had a right of action against the person who, by selling liquor contrary to the act, caused the intoxication, for all damages actually sustained, as well as exemplary damages.

The penalties for selling liquor to be drank at the place where sold, selling to a person intoxicated or in the habit of becoming so and to minors, were a fine of not less than twenty dollars or more than fifty dollars and imprisonment for not less than ten or more than thirty days, and costs of prosecution. The court had power to declare the places where such sales were made to be public nuisances, in which case the fine was not less than fifty or more than one hundred dollars and imprisonment not less than twenty or more than fifty days and costs, and thereupon the place, upon the order of the court, was shut up and abated, unless the person keeping it gave bond, to the satisfaction of the court, not to sell liquors contrary to law and pay all fines, costs and damages that might be awarded against him. The inhibition against the sale of liquors to be drank at the place where sold did not extend to the sale of wine, manufactured of the pure juice of the grape cultivated in the State, or beer, ale or cider. Prosecutions for violations of the act were required to be by indictment.

By an act passed April 5, 1859 (4 Curwen's Stat. 3303), the act of 1854 was so amended as to take away the imprisonment feature of the offense of becoming intoxicated or being found in a state of intoxication, and imprisonment for selling liquor to be drank where sold, selling to persons intoxicated or in the habit of becoming so, and to minors, was made discretionary with the court instead of imperative as in the original act.

On April 18, 1870 (3 Sayler's Stat. 2360), what was familiarly known as the "Adair Liquor Law" was passed. It amended sections 7 and 10 of the act of 1854.

Section 7 of the original act gave a right of action for damages, actual and exemplary, in favor of any person injured in person or property or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, against the person who, by selling the liquor contrary to the act, caused the intoxication. By the amended section, the right of action did not depend upon any unlawful sale, but arose upon the selling or giving of intoxicating liquors causing the intoxication, in whole or in part. It made the owner or lessor of any building or premises, having knowledge that intoxicating liquors were to be sold in violation of law, or who knowingly permitted intoxicating liquors to be sold therein that caused the intoxication, in whole or in part, of a person, jointly and severally liable with the person selling or giving the liquor, for all damages sustained, as well as exemplary damages.

Amended section 10 took away a portion of the exemptions from execution accorded to judgment debtors in other cases, and rendered the real estate liable and authorized its subjection to pay all fines, costs and damages assessed against any person occupying the same. Leases upon premises where intoxicating liquors were sold were declared to be void. The enactment of the "Adair Law" was followed by a flood of litigation in every part of the State.

The "Adair Law" was so amended, February 18, 1875 (4 Sayler's Stat. 3395), as to require that any person liable to be injured by the sale of liquors to a person, and desiring to prevent such sales, should give notice either in writing, or verbally before a witness, to the seller or giver of the liquors, or to the owner or lessor of the premises, or file with the township or corporation clerk wherein the liquors might be sold, notice to all liquor dealers not to sell intoxicating liquors to the person named from and after ten days from the filing of such notice; and such clerk was required to enter the same in a book to be kept for the purpose, which should be open for the inspection of all persons interested, but the notice might be withdrawn on the request of the person filing it, and the name was then obliterated from the record.

The notices provided for were conditions precedent to the right to recover real or exemplary damages for alleged injuries. It was made an offense, punishable by a fine of not less than ten or more than fifty dollars, to publish the fact that notice had been given, by posting such notice in any saloon, grocery or other place, or by printing or causing the same to be printed

in any newspaper, circular or in any other way to give publicity to the fact that a notice had been given.

The adoption of the foregoing amendment operated to reduce to a large extent the volume of litigation that had arisen under the "Adair Law."

On April 17, 1883 (80 Ohio Laws, 167), the law making it an offense to sell intoxicating liquors to be drank at the place where sold, was repealed.

The authority conferred upon the councils of cities and villages to regulate, restrain and prohibit tippling places, which covered the period from 1852 to 1902, was widely exercised, and marks a distinctive legislative policy during the forty years that it remained in force.

The Constitution of 1851 having enjoined that the organization of cities and villages should be provided for by general laws, the General Assembly, May 3, 1852 (3 Curwen's Stat. 1835), passed a comprehensive act providing for such organization. It provided that cities and villages should have power "to regulate or prohibit ale and porter shops and houses, and places for significant or habitual resort for tippling and intemperance."

The municipal code, passed May 7, 1869 (3 Sayler's Stat. 1894), provided (section 199) that the councils of cities and villages might, by ordinance, "regulate, restrain and prohibit ale, beer and porter houses or shops; and houses and places of notorious or habitual resort for tippling or intemperance."

Under the authority of those provisions, the courts sustained and upheld ordinances which made it unlawful to keep places where ale, porter or beer were habit-

ually sold or furnished, to be drank at the place where sold or furnished, notwithstanding the general legislation of the State did not extend to the prohibition of the sale of ale, porter or beer. *Burckholter vs. McConnellsville* (20 Ohio State Rep. 308.)

Upon the adoption of the new Municipal Code, October 22, 1902 (96 Ohio Laws, 20), the foregoing provisions were so amended as to omit the word "prohibit," the authority there being given (paragraph 5) "to regulate ale, beer, porter houses and shops, and the sale of intoxicating liquors as a beverage."

The policy of taxing the traffic in intoxicating liquors was inaugurated by the passage of an act, familiarly known as the "Pond Law," April 5, 1882 (79 Ohio Laws, 66), which required every person engaged in such traffic annually to pay into the treasury or the county: When his place of business was not located in a city or village, or within one mile thereof, $100; when within a village having a population of less than two thousand, or within one mile thereof, $150; when within any other city or village having a population of less than ten thousand, or within one mile thereof, $200; when within a city of the second class having a population of ten thousand or more, or within two miles thereof, $250; and when within any city of the first class, or within two miles thereof, $300.

Every person engaged in the traffic, or thereafter engaging therein, was required to give a bond in the sum of $1,000, to the acceptance of the probate judge of the county, conditioned for the faithful performance of all the requirements of the act.

Every person who engaged or continued in the business without having executed the bond, or who so continued after default in the payment of the tax, was deemed to be guilty of a misdemeanor and subject to a fine of not less than $500 or more than $1,000, or imprisonment not less than thirty days or more than one year, or both.

Prosecutions were upon information and not by indictment. The funds arising from the tax were credited, two-thirds to the townships, villages and cities from which they were received, and the balance to the general county fund.

The Supreme Court, in the case of *Hipp vs. The State* (38 Ohio State Rep. 199), declared the "Pond Law" to be unconstitutional, holding it to be, in operation and effect, a license law, within the inhibition of the Constitution, which provides that "no license to traffic in intoxicating liquors shall hereafter be granted in this State."

On April 17, 1883 (80 Ohio Laws, 164), another act, known as the "Scott Law," was passed, assessing the traffic in intoxicating liquors, similar to the "Pond Law," in which the annual sum required to be paid by all dealers was $200, and the requirement as to giving bond was omitted.

The "Scott Law" was at first sustained by the Supreme Court in the case of *State vs. Frame* (39 Ohio State Rep. 399.) But afterwards, the act again coming before the court, in the case of *Butzman vs. Whitbeck* (42 Ohio State Rep. 223), the provisions thereof which assumed to attach a lien for the tax or assessment upon the premises wherein the traffic was carried

on, and the right to carry on the same being made dependent upon the written consent of the owner of the building, were held to be in effect a license, and therefore unconstitutional.

On May 14, 1886 (83 Ohio Laws, 157), another act was passed, known as the "Dow Law," assessing the business of trafficking in spirituous, vinous, malt or any intoxicating liquors, yearly, to be paid into the country treasury, the sum of $200. It made the assessment a lien on the real property in which the business was conducted.

The constitutional validity of the "Dow Law" was sustained by the Supreme Court in the cases of *Adlers vs. Whitbeck* (44 Ohio State Rep. 539); *Anderson vs. Brewster* (44 Ohio State Rep. 576); and *Senior vs. Ratterman* (44 Ohio State Rep. 661).

May 21, 1887 (84 Ohio Laws, 224), the "Dow Law" was so amended as to exclude from its provisions manufactures of intoxicating liquors from the raw material and the sale thereof at the manufactory by the manufacturer in quantities of one quart or more.

By an amendment to the "Dow Law," passed March 26, 1888 (85 Ohio Laws, 116), the annual assessment was increased to $250. And the fund was so redistributed as that two-tenths thereof was required to be placed to the credit of the general revenue fund of the State; six-tenths to the treasury of the municipal corporation; and the remaining two-tenths to the poor fund of the county. This law was again so amended, February 20, 1896 (92 Ohio Laws, 34), as to increase the annual assessment to $350. In the distribution of the fund three-tenths was required to be paid into

the State treasury; five-tenths to the treasury of the municipal corporation; and the remaining two-tenths to the poor fund of the county. On March 28, 1906 (98 Ohio Laws, 99), an act was passed increasing the annual assessment to the sum of $1,000.

The first local option law of the State, although of short duration, was passed February 8, 1847 (2 Curwen's Stat. 1338).

It provided that the right to grant licenses for the sale of intoxicating liquors, in the several townships, should be determined for the year ensuing, at the annual township elections, by the electors, who were authorized to vote for or against such right, by ballot, upon a separate ticket, in a separate ballot box, upon which was to be written or printed the words "license" or "no license." If a majority of the electors, so voting, voted for "no license," it became unlawful for any court or authority to grant to any person any license to sell intoxicating or spirituous liquors in such township during the year next ensuing. Rigorous penalties were provided for the enforcement of its provisions, and it was, in addition, made an offense for a licensed person to sell liquor to a person intoxicated or to a person addicted to drunkenness.

The act, however, applied only to the counties of Cuyahoga, Delaware, Trumbull, Mahoning, Franklin, Geauga, Lake, Ashtabula, Preble, and Marion. It was repealed February 2, 1848 (2 Curwen's Stat. 1388), having been in force a little less than one year.

A period of more than forty years elapsed before the enactment of the next local option law. In 1888 the policy of submitting the question of the prohibition

of the sale of intoxicating liquors to the electors of a locality, with the township as the unit, known as local option, was inaugurated.

On March 3, 1888 (85 Ohio Laws, 55), an act was passed which provided that whenever one-fourth of the voters of a township, outside of a municipal corporation, petitioned the township trustees for the privilege to determine by ballot whether the sale of intoxicating liquors as a beverage should be prohibited in the township, outside the limits of any municipal corporation, it became the duty of the trustees to order a special election for the purpose. If a majority of the votes cast at the election was against the sale, then, after the lapse of thrity days from the election, it became unlawful for any person thereafter, within the limits of the township, to sell, furnish or give away intoxicating liquors to be used as a beverage, or to keep a place where such liquors were sold, given away or furnished. The penalty for a violation of the act was a fine of not more than five hundred or less than fifty dollars and imprisonment not exceeding six months. Another election might be ordered, in the same way, after the expiration of two years from the date of a preceding election. The constitutional validity of the act was upheld by the Supreme Court in the case of *Gordon vs. The State* (46 Ohio State Rep. 607).

In 1902 the legislative policy of local option was extended to municipal corporations.

On April 3, 1902 (95 Ohio Laws, 87), an act was passed, familiarly known as the "Beal Law," which provided that whenever forty per cent of the electors of a municipal corporation petitioned the council

thereof for the privilege to determine whether the sale of intoxicating liquors as a beverage should be prohibited within the limits of the corporation, it became the duty of the council to order a special election therefor. If a majority of the votes cast at such election were in favor of prohibition, then from and after thirty days from the date of holding the election, it became unlawful, within the corporate limits, to sell, furnish or give away any intoxicating liquors to be used as a beverage, or to keep a place where such liquors were kept for sale, given away or furnished. The penalty for a violation of the act was a fine of not more than $200 or less than $50 for the first offense. For the second offense the fine was not more than $500 or less than $100, and for every subsequent offense the fine was not less than $200 and imprisonment not more than sixty days or less than ten days. Another election might be petitioned for and ordered after the expiration of two years from a preceding election.

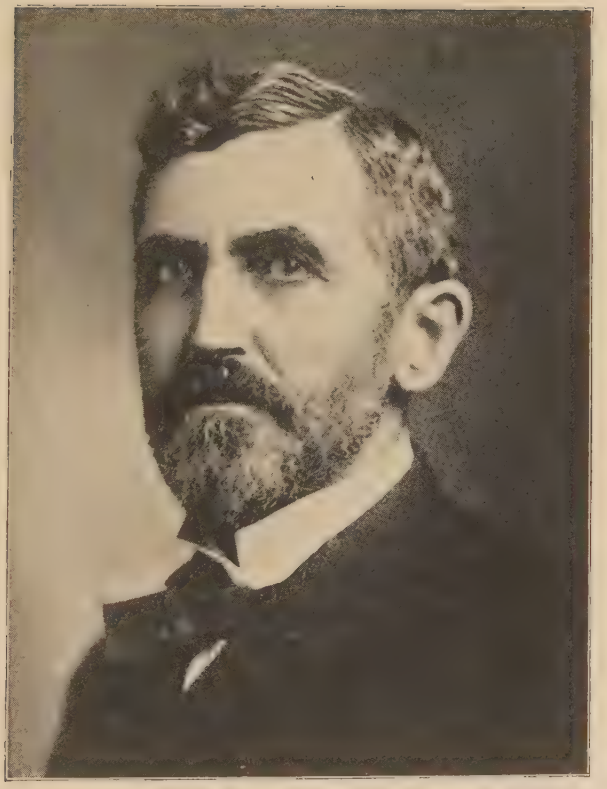
The local option principle was extended to residence districts in cities and villages by an act passed April 18, 1904 (97 Ohio Laws, 87), known as the "Brannock Law," which provided that whenever forty per cent of the electors of a residence district of a municipal corporation petitioned the mayor, or a Common Pleas judge of the county, for the privilege to determine by ballot whether the sale of intoxicating liquors as a beverage should be prohibited within the limits of such district, it became the duty of such mayor or judge to order a special election to be held in such residence district. If a majority of the votes at the election were in favor of prohibiting the sale, then after

JOHN M. PATTISON

Born in Owensville, Clermont county, Ohio, June 13, 1847; at the age of fourteen enlisted in the Ohio National Guard, and at seventeen entered the service of the United States as a soldier in the Civil War, continuing until December, 1865; graduated from Ohio Wesleyan University at Delaware, 1869, and admitted to the bar, 1872; elected member of the Ohio House of Representatives, 1873, and afterward State Senator; engaged in the insurance business, becoming president of the Union Central Life Insurance Company; elected to Congress, 1890; elected Governor, 1905, and inaugurated January 8, 1906; died June 18, 1906.

kept for sale, given away or furnished. The penalty for a violation of the act was a fine of not more than second offense the fine was not more than $500 or fine was not less than $200 and imprisonment not more than sixty days or less than ten days. Another election expiration of two years from a preceding election.

The local option provision was extended to residence districts in cities and villages by an act passed April 18, 1904 (97 Ohio Laws, 82), known as the "Brannock" of the electors of a residence district of a municipal corporation petitioned the mayor, or a Common Pleas ballot whether the sale of intoxicating liquors as a beverage should be prohibited within the limits of such district, it became the duty of such judge to order a special election to be held in such residence district. If a majority of the votes at the election were in favor of prohibiting the sale, then after



thirty days from the date of the election, it became thereafter unlawful within the district to sell, furnish or give away intoxicating liquors as a beverage, or keep a place where such liquors were sold, given away or furnished for beverage purposes.

The penalties were a fine of not more than $200 or less than $50 for the first offense, and for a subsequent offense not more than $500 or less that $100; and the court was required, upon conviction of a second or subsequent offense, either to order the place closed or abated as a nuisance or require the offender to give bond in $1,000 that he would not sell, furnish or give away, within the district, intoxicating liquors as a beverage. Another election might be had, in the same way, after the expiration of two years from the date of a preceding election.

The "Brannock Law" was repealed and another residential local option law enacted in its place, known as the "Jones Law," March 22, 1906 (98 Ohio Laws, 68), which provided that whenever a majority of the electors of any residence district of a municipal corporation signed a petition in favor of prohibiting the sale of intoxicating liquors as a beverage, in such district, and filed the same with the mayor, or with any judge of the Court of Common Pleas of the county, they should examine and decide upon its sufficiency. If a majority of the voters of the district, as shown by the petition, were in favor of prohibiting the sale, it became, after thirty days from the decision, unlawful thereafter, in the district, to sell, give away or furnish intoxicating liquors as a beverage or keep a place where the

same were sold, given away or furnished. The penalties were similar to those provided in the "Brannock Law."

Whenever, after the expiration of two years, a majority of the electors of a residence district in which the sale had been prohibited, signed a petition and presented the same as in the first instance against prohibition in the district, the effect of the first petition was nullified.

An amendment to the "Jones Law," passed March 11, 1908 (99 Ohio Laws, 53), permitted the extension of an existing prohibitory residence district by adding territory by petition in the same way as the original district had been established.

The county was made the unit for local option by an act passed March 5, 1908 (99 Ohio Laws, 35), known as the "Rose Law," which provided that whenever thirty-five per cent of the electors of a county petitioned the county commissioners or a Common Pleas judge of the county for the privilege to determine by ballot whether the sale of intoxicating liquors as a beverage should be prohibited in the county, such commissioners or judges were required to order a special election for the purpose. If a majority of the votes cast at the election were in favor of prohibition, then from and after thirty days from the date of the election, it became unlawful to sell, furnish, give away or otherwise deal in intoxicating liquors as a beverage, or keep or use a place where the same were sold, given away, furnished or otherwise dealt in, in the county. The penalties were not more than $200 or less than $50 for the first offense, and for any subsequent offense not

more than $500 or less than $200, and the court was required in case of a conviction of a second or subsequent offense to give bond in the sum of $1,000 not to sell, furnish or give away, in the county, any intoxicating liquor in violation of law. Another election might be had after three years by petition in the same manner as in the first instance.

But the effect and operation of the township local option law, the "Beal Law," and the "Jones Law" were not affected by the operation of the "Rose Law."

The sale of intoxicating liquors on Sunday was, for the first time, prohibited by an act passed February 8, 1815 (2 Chase's Stat. 867), to the effect that any tavern keeper or other person, who sold or bartered any spirituous liquors, on the first day of the week, commonly called Sunday (except to travelers on a journey), should be fined five dollars.

In the revision of the statutes relating to crimes and punishments, passed May 5, 1877 (74 Ohio Laws, 269), the exception as to travelers was omitted.

The Sunday law was so amended April 9, 1881 (78 Ohio Laws, 126), as to provide that whoever sold or bartered any spirituous liquors on Sunday, except upon the written prescription of a practicing physician, should be fined not more than fifty dollars.

On April 15, 1882 (79 Ohio Laws, 128), it was again amended so that it applied to intoxicating liquors, whether distilled, malt or vinous, instead of merely to spirituous liquors as theretofore.

Again it was so amended, April 17, 1883 (80 Ohio Laws, 167), as to confine the exception to regular druggists, on the written prescription of a regular practicing

physician, for medical purposes only, and the penalty for selling or keeping open a place where on other days intoxicating liquors were sold, was a fine not exceeding $100 and imprisonment not exceeding thirty days.

An act passed April 14, 1884 (81 Ohio Laws, 205), defined the word "place," as applied to hotels and eating houses, to mean the room or part of room where liquors were usually sold or exposed for sale.

By an act passed April 14, 1888 (85 Ohio Laws, 260), the penalty was changed to a fine not exceeding $100 and not less than $25 and imprisonment not less than ten days and not exceeding thirty days.

In the act passed April 3, 1902 (95 Ohio Laws, 87), the "Beal Law," the penalty was so changed that the offender, for the first offense, should be fined not exceeding $100 and not less than $25, and for each subsequent offense be fined not more than $200 or imprisoned not less than ten or more than thirty days, or both.

Many acts have been placed upon the statute books, in the line of regulation and restraint of the traffic in intoxicating liquors, beginning after the adoption of the Constitution of 1851, and increasing in number and frequency with the passing of the years.

Among the more important of these were the following: On March 10, 1864 (1 Sayler's Stat. 524), an act was passed to suppress the sale of liquors upon days of election. It was made unlawful to sell, barter or give away, or keep open places where, on other days, liquors were sold, any spirituous, vinous or malt liquors on the day of any election, under penalty of a fine of not less than five or more than one hundred

452003

dollars and imprisonment for a period of ten days; and mayors of municipal corporations were required to issue their proclamations warning the inhabitants of the provisions of the act. An act was passed February 23, 1906 (98 Ohio Laws, 12), known as the "search and seizure act," which authorized magistrates to issue warrants for the search of places and seizure of intoxicating liquors and the destruction of the same. By an act passed March 12, 1909 (100 Ohio Laws, 90), a method was provided, by a proceeding in the Court of Common Pleas, whereby a place where the sales of intoxicating liquors was carried on might, upon proof that the same was conducted in a disorderly or disreputable manner, be abated as a nuisance.

More than fifty offenses, having relation to the sale and use of intoxicating liquors, which had been created from time to time, were, in the general revision of the statutes adopted in 1910, collated and gathered under Chapter 17, of Part Fourth, Title One, of the General Code, entitled "Offenses Relating to Intoxicating Liquors."

491
R18
v.4

Call no.
F
491
R18
v.4

Accession no.
452003